Saturday
4th September, 1948

THE

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

Official Report

VOLUME VII, 1948

(1st September to 7th September, 1948)

THIRD SESSION

of the

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

1948

CONTENTS

VOLUME VII—1st SEPTEMBER TO 7th SEPTEMBER, 1948

	PAGES
WEDNESDAY, 1ST SEPTEMBER, 1948—	
Starred Questions and Answers	711—60
Unstarred Questions and Answers	761—67
Short Notice Question and Answer	767—69
THURSDAY, 2ND SEPTEMBER, 1948—	
Starred Questions and Answers	771—820
Appendix	821—70
FRIDAY, 3RD SEPTEMBER, 1948—	
Starred Questions and Answers	871—910
Short Notice Questions and Answers	911—18
SATURDAY, 4TH SEPTEMBER, 1948—	
Starred Questions and Answers	919—62
Unstarred Questions and Answers	963
Short Notice Questions and Answers	964—68
MONDAY, 6TH SEPTEMBER, 1948—	
Statements laid on the Table	969—1006
TUESDAY, 7TH SEPTEMBER, 1948—	
Short Notice Question and Answer	1007—11

GIPD—LAD—92LAD—16-9-48—780

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

Saturday, 4th September, 1948

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS †

WRITTEN ANSWERS

FIRST CLASS ON RAILWAYS

859. *Mr. R. K. Sidhva: Will the Honourable Minister of Railways be pleased to state:

(a) the number of second and first class passengers who travelled during the period from 1st January to 31st July, 1948 as compared with that during the same period in 1947; and

(b) whether Government propose to continue first class compartments in view of the fall in the number of passengers travelling by that class?

The Honourable Dr. John Matthai: (a) A statement is laid on the table of the House showing the number of first and second class passengers who travelled over the Indian Government Railways (excluding Assam and Eastern Punjab Railways) from 1st January to 31st May 1948, as compared with the corresponding period of 1947, together with earnings from the traffic. Similar information has also been given for the Assam and Eastern Punjab Railways for the period from 1st January 1948 to 31st May 1948. Figures for months later than May 1948 are not available at present.

(b) No. I would refer the honourable member to the discussion on the Railway Budget held on 20th February, 1948, when I agreed to the abolition of the first class in principle as part of the scheme to have only three 'classes' of travel accommodation on the Indian Government Railways, *viz.*, Upper, Inter and Ordinary. It is hoped to give effect to these new arrangements from 1st January, 1949.

Statement

Showing the number of 1st and 2nd class passengers who travelled over the Indian Government Railways (excluding Assam and E. P. Railways) from 1st January to 31st May 1948 compared with that during the same period of 1947.

	First Class		Second Class	
	No. of passengers	Earnings	No. of passengers	Earnings
		Rs.		Rs.
January to May 1947 . .	999,758	1,07,40,982	11,498,337	2,31,64,451
January to May 1948 . .	868,277	86,46,401	8,197,066	2,50,32,011
	Assam Railway			
January to May 1948 . .	11,248	1,23,820	10,743	69,180
	Eastern Punjab Railway			
January to May 1948 . .	23,422	4,60,020	1,81,136	14,47,49

† Answers to these questions were laid on the table, the question hour having been dispensed with.—*ED of D.*

MANUFACTURE OF TELEPHONES

860. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Communications be pleased to state whether certain foreign firms offered to establish a factory in India for the manufacture of telephones and other appliances relating to the same?

(b) If so, what are the names of such firms and what are the terms and offers quoted by them?

(c) Is it a fact that Government have entered into an agreement with a British firm in this regard? If so, what are the terms and are the said terms more favourable than those offered by other firms?

(d) When will the factory start supplying telephones under the agreement and in what year do Government propose to manufacture all telephones and their accessories in India?

(e) When will the pressure and tension on telephones in India be reduced as a result of this agreement?

(f) What will be the immediate effect of the said agreement on the deteriorated system of telephones in various provinces of India?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes.

(b) Five firms made offers to Government in this connection, namely Swiss, British, Swedish, Czechoslovakian and American. As the terms were communicated to Government confidentially, I regret I cannot disclose the names of the firms or the terms offered by them.

(c) Government have entered into an agreement with the Automatic Telephone and Electric Company Limited of England whose terms were considered more favourable than those of the other firms. A copy of the agreement has been placed in the Library of the House. The main terms of the agreement were that in consideration of payments which in the course of fifteen years will aggregate to Rupees eighty lakhs approximately, the firm will secure for Government the following benefits:

(i) Use of all patent rights, manufacturing data, drawings, specifications, benefit of technical development and research in connection with the manufacture of Automatic Telephone equipment.

(ii) Give technical assistance to Government in connection with the establishment of factory and loan their experts for working in the Factory until suitable Indians have been trained to replace them.

(iii) Arrange supply of raw materials, models, tools, testing apparatus etc.

(iv) Offer facilities for training Indian Nationals at their works in England to replace the technicians loaned by them.

(v) Act as consulting engineers to the Indian Telephone Factory.

The Company has also agreed to appoint the Government of India as its sole agents for India, Ceylon, Burma etc. for the sale of telephone equipment manufactured by it.

(d) The factory will start assembly of telephone instruments from parts received from England within the next four months or so, but full scale production of all types of equipment is likely to take from three to five years.

(e) and (f). Improvement, so far as it is related to adequacy of equipment, is expected to commence with the completion of assembly of instruments and will gradually increase as the factory's production goes up. I should make it clear, however, that some improvement has already been effected in the telephone system in the country as a whole during the last few months.

MANUFACTURE OF PENICILLIN

861. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Industry and Supply be pleased to state whether it is a fact that big business concerns are examining the possibility of starting a penicillin factory in the Nilgiris?

(b) If so, have Government surveyed the place suitable for the manufacture of this drug?

(c) Have Government received any proposals from any business concerns regarding this matter?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (c) Government of India have no information except that the Madras Government have forwarded a proposal which envisages the possibility of setting up a pencillin factory in Nilgiris. This will be considered on receipt of the report of Major General Sokhey, who has been sent to Europe and U.S.A. to explore the possibility of the manufacture of pencillin in India.

(b) No.

RISING PRICES OF FOOD-STUFFS

862. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Food be pleased to state whether Government are aware that prices of food-stuffs are soaring high every month?

(b) What are the index numbers in various provinces as compared with those in 1947?

(c) If Government are not prepared to impose control again what other effective steps do they propose to take to check the rise in prices of food-stuffs?

The Honourable Shri Jairamdas Doulatram: (a) Yes; prices have risen high in many parts of the country.

(b) A statement is laid on the table of the House.

(c) The whole question of the steps to be taken effectively to check rise in prices of most articles is receiving the active consideration of the Government.

STATEMENT I

Index numbers of wholesale prices of cereals

(Province-wise)

Province	Cereals	Average controlled wholesale prices in 1st week of December (Rs. per md.)	Average blackmarket rates during 1st week of December 47 (Rs. per md.)†	Prices for week ended 17-7-48 (Rs. per md.)	Index numbers (Base :—Average controlled wholesale prices in the first week of December 47 —00)						
					Last week of months, 1948						Week ended 17th July 1948
					Jan.	Feb.	March	April	May	June	
East Punjab	Rice	14 13 10	18 5 4	33 3 1		..	123	181	184	210	223
	Wheat	10 9 8	14 1 7	17 10 8	..	133	134	130	130	148	167
	Bajra	7 8 0	11 5 4	15 10 2	137	125	131	136	137	158	208
U. P.	Rice	14 10 2	21 2 3	24 11 4	126	124	129	137	151	160	169
	Wheat	10 13 9	18 3 0	21 1 10	174	181	171	151	163	182	194
	Jowar	7 9 10	10 2 1	12 12 7	143	131	109	106	134	159	179
	Bajra	7 15 8	11 10 4	13 3 3	149	133	113	117	135	157	165
		11 8 1	16 14 8	22 1 0	161	138	144	152	180	188	192
Bihar	Rice	12 4 11	26 0 0	25 0 0	216	217	202	204	197	197	203
	Wheat	9 13 0	13 15 6	12 7 5	114	113	118	120	126	135	127
Orissa	Rice	12 12 0	15 13 6	20 3 11	126	124	133	134	145	156	159
W. Bengal	Rice	13 2 0	15 12 0	22 1 11	129	128	115	123	136	146	169
Assam	Rice										
C. P. and Berar	Rice	9 15 11	29 2 3	14 15 8	119	122	138	124	141	146	150
	Jowar	8 7 10	16 5 5	11 11 9	111	117	125	120	132	143	138
Bombay†	Rice	12 6 1	24 13 4	36 3 2	199	219	247	270	292	312	292
	Wheat	11 12 2	31 2 0	29 11 6	321	249	240	246	250	257	253
	Jowar	7 0 5	11 4 0	15 4 3	170	179	170	181	200	210	226
	Bajra	7 6 7	13 14 6	18 2 11	191	207	205	209	221	233	259
Madras	Rice	11 4 9	22 7 0	27 15 1	140	142	186	190	210	210	247
	Jowar	7 11 3	19 1 8	14 7 7	127	120	158	149	144	158	188
	Bajra	7 12 5	17 3 4	15 6 7	129	144	158	163	155	176	196

*Provincial averages supplied by Bombay Government except for the week ended 17th July 1948.

†Averages are for deficit districts of Madras.

‡These averages are based on an insufficient number of centres and are therefore not strictly comparable with the averabe controlled rates in the preceding column.

STATEMENT II

	Percentage increase over controlled rates during the 1st week of December 1947 in the majority of centres
Wheat –	
East Punjab	60—90
U. P.	80—110
Bihar	80—120
C. P.	90 150
Bombay	83—210
Rice—	
East Punjab	84—155
U. P.	33—93
Bihar	50—111
West Bengal	12—106
Assam	30—94
Orissa	9—50
C. P.	20—50
Bombay	106—218
Madras (Deficit)	60—150
Jowar—	
U. P.	47—113
C. P.	12—65
Bombay	70—160
Madras (Deficit)	60—114
Bajra—	
East Punjab	63—167
U. P.	45—94
Bombay	60—162
Madras (Deficit)	64—137

Fruit Cultivation

863. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Agriculture be pleased to state what steps have been taken to increase fruit cultivation in the Indian Union?

(b) Has any co-ordinated plan been drawn up to make India self-sufficient in fruits?

(c) On the areas where cultivation is carried on with the use of tractors, is large scale fruit farming also contemplated?

The Honourable Shri Jairamdas Doulatram: (a) The Government of India have been giving financial assistance to Provinces for their quick-yielding fruit schemes and also for their research schemes. The Government of India have invited fruit development schemes from the Provinces under their post-war development programme. These are being examined and such of them as are to be found eligible for it will be given financial assistance. The Ministry of Agriculture has also under consideration a scheme for setting up of a chain of fruit experiment stations in the different zones of the country with a view to step up production and quality of fruits. Twenty graduates in Agriculture were trained last year at the Central Horticulture Training Centre in advanced horticulture in order to provide the necessary staff for the Provincial Governments and States.

(b) The scheme to have a chain of fruit experiment stations in the different zones of the country, referred to above, will be the basis for a co-ordinated plan to make India self-sufficient in Fruits.

(c) No.

864. [WITHDRAWN.]

CANCELLATION OF WAGON ALLOTMENTS BY MERCHANTS

865. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that for the creation of artificial scarcity in certain commodities, there is an organised move by the merchants not to avail themselves of the wagons allotted to them for specific purposes?

(b) Has any such case been brought to the notice of Government and if so, what action have Government taken in the matter?

The Honourable Dr. John Matthai: (a) There is no proof that there is an organised move to cancel allotments of wagons to create scarcity.

(b) Does not arise in view of the reply to (a) above.

EXPENDITURE ON DISPOSALS DIRECTORATE

866. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Industry and Supply be pleased to state the annual expenditure which is incurred to maintain the Disposals Directorate?

(b) Is there any proposal before Government to close down the Disposals Directorate?

The Honourable Dr. Syama Prasad Mookerjee: (a) The average expenditure during the last two financial years was Rs. 63,82,564.

(b) No.

WAGONS FOR TRANSPORT OF ONIONS.

867. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Railways be pleased to state how many wagons were made available for the transport of onions from each of the stations between Nasik and Manmad during the years 1946-47, 1947-48 and 1948-1949?

(b) Are Government aware that much difficulty is experienced by the onion growers in despatching their goods?

(c) If so, what action do Government propose to take to remove the hardship?

The Honourable Dr. John Matthai: (a) A statement showing the information is placed on the table of the House.

(b) and (c). Despatches during 1947-48 have been *pro rata* much better than during the corresponding period of the previous year. Efforts are being made to maintain the despatches at as high a rate as possible.

Statement

Showing the number of onion wagons loaded by goods and passenger trains from stations between Manmad and Nasik.

	Manmad	Lasalgaon	Niphad	Kasbe Sukene.	Khervadi	Odha	Nasik
1946-47 . .	22	326	678	229	821	138	303
1947-48 . .	3	197	174	84	271	55	106
1-4-48 to 20th August 1948.	1	65	143	67	153	28	150

Total for 1946-47—2517.
Total for 1947-48—893.
Total for 1st April 1948 to 20th August 1948—607

COTTON *CULTIVATION

868. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Agriculture be pleased to state the acreage under cotton cultivation during each of the years 1945-46, 1946-47 and 1947-48 in the areas now comprising the Indian Union?

(b) What was the total number of bales produced in each year?

(c) What is the amount of cotton needed by the textile mills in the Indian Union?

(d) Are Government trying to increase the acreage under cotton cultivation?

(e) If so, what steps have been taken or are proposed to be taken in this direction?

The Honourable Shri Jairamdas Doulatram: (a) The acreage under cotton in the Indian Union including Hyderabad State during the season 1945-46 and 1946-47 was 11,349,000 and 11,579,000. Information regarding 1947-48 has not yet been published.

(b) Total number of bales of 400 lbs. each produced during 1945-46 and 1946-47, was 2,119,000 and 2,145,000. Information regarding 1947-48 has not yet been published.

(c) At current levels, consumption of cotton in mills in the Indian Union during 1947-48 season may be estimated at 25,32,320 bales of Indian Cotton, 7,34,000 bales of Pakistan Cotton and 6,48,860 bales of foreign (overseas) Cotton.

(d) and (e). The matter is under the active consideration of the Indian Central Cotton Committee. In order to reduce dependence on imports as far as practicable, and increase of four million acres in the cotton area in the Provinces and States, to be grown with specified medium and long staple varieties is being attempted. The factual position regarding the changes in the acreage as between cotton and food crops in the Provinces/States is being ascertained in order to determine the exact scope for increasing the area under cotton and as to what effect if any, this increase is likely to have on the production of food crops. The proposed increased acreage is expected to give an additional 8.3 lac bales.

PRODUCTION OF COTTON AND EXPENDITURE ON RESEARCH IN BERAR

869. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Agriculture be pleased to state the number of bales of cotton produced in each of the years 1945-46, 1946-47 and 1947-48 in Berar?

(b) What is the amount spent on cotton research or cotton growing in Berar by the Indian Central Cotton Committee?

The Honourable Shri Jairamdas Doulatram: (a) Number of cotton bales of 400 lbs. each produced for each of the years 1945-46 and 1946-47 by Berar were 4,30,935 and 3,63,590 respectively. Information regarding 1947-48 is not yet available.

(b) Up to the 31st March 1948 the Committee incurred an expenditure of Rs. 10,81,325/6/11 on schemes of cotton research, seed multiplication and extension and marketing and crop estimating surveys jointly for the Central Provinces and Berar.

One scheme of seed distribution and marketing has been in operation in Berar alone from 1st March, 1944 at a total cost of Rs. 60,356 to the Indian Central Cotton Committee. The scheme is due to terminate on 28th February, 1949.

As from the 1st April, 1948, the Committee has sanctioned three new schemes of cotton breeding for Berar alone at a total cost of Rs. 108,569 spread over a period of three years.

MOTOR VEHICLES AND CYCLES WITH DISPOSALS DIRECTERATE

870. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Industry and Supply be pleased to state the number of trucks, cars, jeeps, motor-cycles and cycles lying undisposed of in the Disposals Directorate as on 1st August, 1948?

(b) What is the number of these articles lying at Dehu Road, Calcutta and Kanpur?

(c) Have any steps been taken to see that they do not deteriorate for want of use?

(d) What is the number of tyres and tubes which have become useless for want of proper care?

The Honourable Dr. Syama Prasad Mookerjee: (a) The number of vehicles awaiting disposal on the 1st August, 1948 were as follows:

(i) Trucks	
(ii) Motor Cars	96
(iii) Jeeps	129
(iv) Motor Cycles	2013
(v) Cycles	258

(b) It would not be in the public interest to give separate figures for each depot.

(c) Vehicles available for disposal are obviously surplus to requirements and cannot, therefore, be kept in use. Some deterioration is, therefore, inevitable.

(d) The Americans left a quantity of tyres and tubes in open storage. Provision of covered storage was impracticable, and there was some deterioration before these could be sold. The number of tyres involved is not readily available.

MOTOR VEHICLES AND CYCLES SOLD BY DISPOSALS DEPARTMENT

871. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Industry and Supply be pleased to state the number of cars, trucks, buses, ambulances, jeeps, motor-cycles and cycles sold by the Disposals Department during 1945-46, 1946-47, 1947-48 and 1948 49?

(b) What was the price for which they were sold and to whom were they sold?

The Honourable Dr. Syama Prasad Mookerjee: (a) I regret that in the very short time available it has not been possible to collect detailed statistics of all years or of all categories of vehicles. Figures of sales from American surpluses are not yet available. As for British and Indian surpluses, the total number of motor vehicles sold in the year 1945-46 was of the order of 1,000, that in the year 1946-47 was of the order of 33,000 and that in the year 1947-48 was of the order of 15,000. Very few motor vehicles have been sold in the first few months of the current financial year (namely 1948-49).

(b) Motor vehicles have been sold to a very large number of separate purchasers including Government Departments, other Priority Indentors and commercial firms. Detailed statistics are not available

RATIONALISATION OF SUGAR INDUSTRY

872. *Shri B. P. Jhunjhunwala: (a) Will the Honourable Minister of Food be pleased to state whether it is the policy of Government to rationalise the sugar industry, and if so, whether on an all-India economic basis or on a provincial economic basis?

(b) What is the target of annual production at present and on what estimate of annual consumption is this target based?

(c) Have Government taken into consideration the effect of the partition of India in estimating the annual consumption of sugar?

The Honourable Shri Jairamdas Doulatram: (a) It is the policy of Government to plan the development of the sugar Industry on an all India basis, providing also for its development in provinces and States where conditions are suitable.

(b) 18:5 lakh tons by 1950. This target of production was fixed in 1945 and was based on the assumption that during the war, consumption of sugar had increased by fifty per cent. over the pre-war figure of about eleven lakh tons and was likely to increase further during the next five years.

(c) They will necessarily have to do so in reviewing the position.

PRODUCTION AND CONSUMPTION OF ALUMINIUM

873. *Shri B. P. Jhunjhunwala: (a) Will the Honourable Minister of Industry and Supply be pleased to state what was the annual production and consumption of aluminium from the year 1938 to 1947?

(b) How much of the consumed aluminium was imported in each of these years and how much was consumed out of that produced in India?

(c) What are the different purposes for which this material is used in India?

(d) What is the present annual consumption of aluminium in India and what is the difference in price of imported material and that produced in India?

(e) What is the present annual production in India?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). A statement is laid on the table of the House.

(c) Aluminium is used in India for the manufacture of utensils, tea chest linings, castings, household utility articles, bus bodies, coaches etc., powder for paint industry, wire and rivets and transmission cables and also for aircraft repairs.

(d) The present annual consumption of aluminium in India is between 12,000 and 15,000 tons. The difference between the prices of imported and indigenous aluminium ingots is Rs. 1,450 in the case of Messrs. Aluminium Corporation of India Ltd., and Rs. 917 in the case of Messrs. Indian Aluminium Co. Ltd.

(e) Between 8,500 and 4,000 tons.

STATEMENT

Showing Production Consumption and Imports of Aluminium in India.

Year	Production	Consumption	Quantity consumed out of Indian production	Quantity Consumed out of Imports	Remarks
1938	Nil	3,300	Nil	3,300	Figures regarding consumption and imports are very close estimates. Exact figures are not available as Aluminium is imported in various forms by several parties. Except in 1947, all the indigenous production was consumed In 1947, 1233 tons of the indigenously produced ingots were left over owing to transport difficulties and political disturbances.
1939	Nil	2,900	Nil	2,900	
1940	Nil	1,500	Nil	1,500	
1941	Nil	350	Nil	350	
1942	Nil	20	Nil	20	
1943	1,272	1,288	1,272	16	
1944	1,809	3,169	1,809	1,360	
1945	2,244	6,816	2,244	4,572	
1946	3,250	12,000	3,250	8,750	
1947	3,220	13,000	1,987	11,013	

ALUMINIUM FACTORIES

874. *Shri B. P. Jhunjhunwala: (a) Will the Honourable Minister of Industry and Supply be pleased to state how many aluminium factories there were in India and what is their total capacity?

(b) Where do these factories get their raw material from?

(c) How many of these are Indian-financed and Indian-managed, how many foreign-financed and foreign-managed and how many Indian-financed and foreign-managed?

(d) What is the total foreign capital and what is the total Indian capital invested in this industry?

(e) Do these factories make any profit or do they run on loss?

(f) Do Government give any subsidy to this industry? If so, what is the basis on which the subsidy is given?

(g) Do Government propose to nationalise this industry?

(h) If not, is it the intention of Government to take up any private concern if the same cannot run on account of losses?

The Honourable Dr. Syama Prasad Mookerjee: (a) Two, Sir. The total rated capacity is about 7,000 tons per annum.

(b) Some of the raw materials are obtained from indigenous sources and some from imports.

(c) One is Indian financed and Indian managed and the other is partly Indian financed and partly foreign managed.

(d) Foreign Capital: Rs. 1 crore 40 lakhs
Indian Capital: Rs. 1 crore 60 lakhs.

(e) and (f). Indian aluminium is pooled with the imported metal, which is comparatively cheaper, and a pool issue price is fixed from time to time by Government. The Indian producers get subsidies from the aluminium pool to the extent of the difference between the prices fixed by Government for aluminium produced by them and the pool issue price. In fixing prices for Indian production, a reasonable margin of profit over the cost of production is allowed.

(g) There is no such proposal before Government at present.

(h) Government have under consideration some proposals for the maintenance and development of the Aluminium industry. No decision has yet been taken.

REVISED TEXTILE POLICY

875. *Shri Damodar Swarup Seth: Will the Honourable Minister of Industry and Supply be pleased to state whether it is a fact that some schemes for a revised textile policy have been received by Government from non-official sources and if so, whether Government propose to examine them and invite the framers of the schemes to help them in carrying out the new textile policy in case the schemes are found to be helpful and constructive?

The Honourable Dr. Syama Prasad Mookerjee: Numerous Schemes and Suggestions on the subject of Textile Policy have been received from various individuals and bodies both before and since the enunciation of Government's present policy. All schemes and suggestions are carefully examined by the Government. Government welcome cooperation from all concerned in carrying out their textile policy.

FIXATION OF COTTON PRICES

876. *Shri Damodar Swarup Seth: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether Government are considering the desirability of fixing the prices of cotton; and

(b) whether it is a fact that the prices of cotton in India are comparatively much less than those in Pakistan?

The Honourable Dr. Syama Prasad Mookerjee: (a) Government of India have decided to re-impose control over cotton prices through specifications of floors and ceilings. For the year 1948-49, floor and ceiling price of fine Jarilla 25/32" staple will be Rs. 495 and Rs. 620 per candy respectively. The prices fixed for other varieties of cotton are on the above basis and have been announced.

(b) The ceiling prices of Pakistan types of cotton grown in India are less than the market prices prevailing at the moment in Pakistan; but it is too early to say what the market prices in Pakistan will be when the new crop arrives.

OFFICE FOR SETTLEMENT OF CLAIMS FOR SUPPLIES DURING WAR

877. *Shri Damodar Swarup Seth: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether it is a fact that an officer designated O.S.D. (claims) has been appointed to decide the claims put forward by contractors against Government for supplies made during the war but not yet paid for; and

(b) if so, the number of cases, since the appointment of this officer in which the O.S.D. (claims) has been nominated arbitrator on behalf of Government?

The Honourable Dr. Syama Prasad Mookerjee: (a) Yes.

(b) 250.

HOUSING ACCOMMODATION FOR REFUGEE RAILWAY EMPLOYEES

878. *Shri Ram Sahai: (a) Will the Honourable Minister of Railways be pleased to state the number of Railway employees who came to Delhi from Lahore and other places in Pakistan after the partition?

(b) How many of them were provided with quarters by the Railway Administration?

(c) What is the number of such employees who are forced to live outside Delhi for want of accommodation?

(d) How much time do they take in coming and going?

(e) Have they got to pay the fare from their own pockets?

(f) Is it a fact that in spite of their not having been able to get any accommodation in Delhi, the payment of house allowance to them has been stopped, on the ground that they do not reside in Delhi?

(g) What is the procedure followed in respect of Railway employees in Bombay?

The Honourable Dr. John Matthai: (a) 4331.

(b) 1396 (840 at Delhi, 311 at Muradnagar and 245 in tents at Shakurbasti).

(c) 856.

(d) Staff residing at Muradnagar take an average of 4½ hours daily for the double journey to and from the Headquarters Office of E. P. Railway. Others coming from Ghaziabad, Shahdara, etc. on an average, spend four hours for the double journey to and from the Headquarters Office, and 1½ to 2½ hours for the double journey to and from the Divisional Office, New Delhi.

(e) Staff coming from Muradnagar are given free card passes. Those residing at Ghaziabad and other stations are given monthly suburban tickets at a concessional rate of six single journey fares for each ticket.

(f) Staff living outside Delhi, Delhi Shahdara and Shakurbasti are not entitled to house allowance.

(g) House rent allowance is granted to non-gazetted staff whose headquarters are within the limits of Bombay without reference to the place of residence if they are otherwise eligible. The concession has been allowed to Railway staff on the same lines as sanctioned by the Provincial Government for their employees stationed in Bombay.

ALLOTMENT OF SUBORDINATE RAILWAY STAFF QUARTERS TO OFFICERS

879. *Shri Ram Sahai: (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that the quarters of the Subordinate Railway Staff have been allotted to Officers drawing high salaries?

(b) Are Government aware that this has added to the housing difficulties of the subordinate staff?

(c) Does it result in any loss to Government?

The Honourable Dr. John Matthai: (a) On certain railways a few subordinates' quarters are occupied mostly by officers promoted from subordinate ranks.

(b) Not to any appreciable extent.

(c) No.

ALLOCATIONS TO PROVINCES OUT OF CENTRAL ROAD FUND

880. *Shri O. V. Alagesan: (a) Will the Honourable Minister of Transport be pleased to state what was the basis of allocation of the Central Road Fund among the various Provinces until last year?

(b) Do Government propose to change the basis of allocation? If so, how and on what grounds?

(c) Did Government send their new proposals to the Provincial Governments and obtain their opinion thereon?

(d) Have Government taken any decision on the question?

The Honourable Dr. John Matthai: (a) Ever since the inception of the Road Fund, the basis of its allocation has been the petrol consumption in the area of each participating unit. There has been no change in this basis since last year.

(b) At the instance of the Standing Committee for Roads, the Government of India recently considered alternative bases of allocation, which sought to give varying weightages to such factors as area, population, petrol consumption and expenditure on roads. The alternative which was favoured by the Standing Committee for Roads was: 1/2 on petrol consumption, 2/10th on population, 2/10th on Provincial or State expenditure on roads, and 1/10th on area.

(c) Yes. The alternative proposals were discussed with the representatives of the Provinces and States at the 10th Session of the Transport Advisory Council, which met in Delhi on the 30th and 31st July 1948.

(d) No. The question has been postponed in view of the fact that opinion was sharply divided at the Transport Advisory Council.

CEMENT-CONCRETING OF NATIONAL HIGH-WAYS

881. *Dr. V. Subramaniam: (a) Will the Honourable Minister of Transport be pleased to state the final policy of the Government of India in the matter of meeting the cost of cement-concreting the surfaces of national high-ways passing through big cities where the traffic intensity is over 1000 tons?

(b) What is the proportion of the cost of maintenance, which the Government of India are going to bear, of roads passing through urban areas or radiating from big urban areas where the traffic intensity is over 1000 tons?

(c) Have Government any intention of cement-concreting very important national high-ways?

(d) Have Government any intention or plans for putting up toll-gates by the proceeds from which such special national high-way roads can be cement-concreted?

The Honourable Dr. John Matthai: (a) and (b). The question of the Government of India's meeting the cost either of cement concreting or of general maintenance of roads in big cities does not arise as no such road is at present included in the National Highway system. The question of the Government of India bearing a part of the cost of the maintenance and development of such roads in municipal towns as may serve as link roads between the terminal points of National Highways entering or leaving such towns is still under consideration.

(c) Honourable member's attention is invited to the answer given on 20th November 1947 to part (d) of his Starred Question No. 159.

(d) No.

TRAVELLING ON ROOFS AND FOOT-BOARDS AND SECURITY MEASURES IN TRAINS

882. *Dr. Bakhshi Tek Chand: (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that a large number of persons travel on the roofs and foot-boards of carriages in passenger trains?

(b) If so, are Government aware that this practice, besides being dangerous to the lives of such persons, facilitates the commission of thefts and violent crimes of which the murder of Diwan Bahadur Pindi Dass (a former Chief Justice of Patiala and Chief Minister of Kapurthala State) and his wife is the most recent instance?

(c) If the answers to parts (a) and (b) above be in the affirmative, what steps do Government propose to take to put a stop to this practice and to improve security measures in trains?

The Honourable Dr. John Matthai: (a) The latest reports received by Government show that the practice of travelling on roofs of carriages has practically been stopped. Unfortunately, however, passengers do on occasions take recourse to the dangerous practice of travelling on foot-boards.

(b) The presumption appears to be correct. The murder of Dewan Bahadur Pindi Dass and his wife is alleged to have been committed by a person travelling on the footboard of the compartment occupied by them.

(c) Government are doing everything possible to put a stop to the practice of travelling on foot-boards of carriages. Besides augmenting the passenger train services, deterrent measures are being taken against such persons with the help of Railway train staff and Watch and Ward staff, Government Railway Police and the Railway Magistrates. Safety-first posters giving wide publicity to the risks involved in travelling on foot-boards and roofs have also been exhibited at various stations.

Regarding measures taken in connection with the security of passengers travelling by train, I would refer the honourable member to the reply given to starred question No. 443 on 24th August, 1948.

LACK OF EQUIPMENT IN E. P. RAILWAY COACHES

883. *Dr. Bakhshi Tek Chand: (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that a large number of carriages attached to various passenger trains on the Eastern Punjab Railway are very old and are not provided with suitable bolts, shutters and other security appliances nor have they got the proper number of lights and water taps?

(b) If so, do Government propose to take steps to have these defects removed early?

The Honourable Dr. John Matthai: (a) There was a large number of old passenger carriages in service on the pre-partition N. W. Railway. The E. P. Railway received its proportionate share of these old carriages which have still to be kept in service owing to a general shortage of passenger coaches. The coaching stock on E. P. Railway received very severe treatment during the refugee traffic and this has made even comparatively new stock appear old. All carriages are fitted with suitable bolts, shutters and other security fastenings as well as water taps; but owing to the theft of fittings there is a possibility of some carriages not being fully equipped with these fittings. Owing to a shortage of electric bulbs it has not been possible to equip fully all carriages, and a reduced standard of lighting has had to be introduced temporarily.

(b) Special steps have already been taken to replace missing fittings on coaches. The full standard of lighting will be introduced as soon as electric bulbs are available.

LOCATION OF CENTRAL COLLEGE OF AGRICULTURE

884. *Shri Yudhishthir Mishra: Will the Honourable Minister of Agriculture be pleased to state as to where Government propose to locate the Central College of Agriculture on a permanent basis?

The Honourable Shri Jairamdas Doulatram: The location of the Central College of Agriculture has not been finally decided.

RAILWAY LINK BETWEEN KANTABANJI (B. N. R.) AND HIRAKUD DAM *via* BALANGIR

885. *Shri Yudhishthir Mishra: (a) Will the Honourable Minister of Railways be pleased to state whether there is any proposal for constructing a Railway line connecting Kantabanji (Bengal Nagpur Railway, Raipur-Waltair Line) with the Hirakud Dam (Sambalpur, Orissa) *via* Balangir?

(b) If so, when will the proposal materialise?

The Honourable Dr. John Matthai: (a) Yes.

(b) The proposal is under active consideration, but at this stage it is not possible to state definitely when it will materialise.

PRESS TELEGRAMS IN INDIAN LANGUAGES IN ROMAN SCRIPT

886. *Shri S. V. Krishnamurthy Rao: (a) Will the Honourable Minister of Communications be pleased to state whether it is a fact that a deputation waited on the Honourable Minister on 10th August, 1948 for allowing press telegrams to be transmitted in Indian languages?

(b) If so, have Government decided to give this facility and if not, why not?

(c) Is there any bar under the existing rules or laws for sending such messages provided the script is Roman?

(d) Are Government aware that at present private telegrams are allowed to be sent in Indian languages provided their script is Roman?

(e) If so, why are the same facilities not extended in respect of press telegrams?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes.

(b) Yes.

(c) Yes, under the present rule a Press telegram must be in English, but the rule is being amended.

(d) Yes.

(e) Does not arise in view of reply to (b).

RAILWAY CATERING CONTRACTORS

887. *Shri Satis Chandra Samanta: (a) Will the Honourable Minister of Railways be pleased to state the number and names of the present railway catering contractors?

(b) How are these contractors appointed?

(c) Do Government propose to consider the advisability of increasing the number of contractors?

(d) What is the total amount of income from these contractors?

The Honourable Dr. John Matthai: (a) A statement giving the information is placed on the table of the House.

(b) By selection generally from amongst professional caterers resident in the locality.

(c) No, except to assist rehabilitation of refugee vendors as recommended by the Central Advisory Council for Railways.

(d) Full information is not readily available but as nominal rents are charged, the income is not likely to be large. In fact, catering is not treated as a source of income, the main object of the Railways in this matter being to ensure the service of adequate supplies of good quality food to the public at reasonable rates.

Statement

Showing the number and names of the present catering contractors—(refreshment rooms)—on Indian Government Railways.

Assam Railway.—Number 21—

(1) Messrs G. F. Kellner & Co. Ltd.
(2) Messrs. D. Sorabjee & Co.
(3) Sj. Sudhir Ranjan Pal.
(4) Janab Khondkar A. Asis.
(5) Sj. Motilall Ram.
(6) Md. F. K. M. Muruzzaman.
(7) Sj. R. J. Dobey.
(8) Messrs A. H. Khan & Co.
(9) Messrs. Eastern Workers Syndicate.
(10) Sardar Amar Singh.
(11) Sj. B. K. Ghose.
(12) Sm. Kamala Debi.
(13) Janab Hasi Md. Khan.

(14) Dr. A. Banerjee.
(15) Sj. J. C. Mitra.
(16) Janab Amir Hussain.
(17) Sjs. B. K. Ghose & A. B. Dhar.
(18) Sj. Narayan Chandra Pal.
(19) Md. Moshahed Ali.
(20) Sj. Sewa Singh.
(21) Janab Abdul.

Bengal Nagpur Railway.—Number 4—

(1) Messrs. A. H. Khan.
(2) Messrs. Ballabhadas Eshwardas.
(3) Mr. B. K. Dubey.
(4) Messrs. the Indian Railway Catering Co.

Note.—The European style refreshment rooms on the B. N. Railway are run by the Railway departmentally.

B. B. and C. I. Railway.—Number 12 on M. G. (the information for B. G. will be laid on the table of the House in due course).

(1) D. Aguiar & Co.
(2) R. S. Suchetsingh & Sons.
(3) R. B. Ch. Nihalsingh.
(4) Mr. Chhotalal Jamnadas.
(5) Mr. Pestonji D. Cati.
(6) Mr. Janki Pd. Girdharilal.
(7) Mr. Bhawani Pd. Ramsarup.
(8) Mr. J. Pestonji.
(9) Mr. Raghuraj Singh.
(10) Mr. Albino Mendouza.
(11) Messrs. Manghoomal & Sons.
(12) Mr. Chandmiya Hussain Miya.

E. I. Railway.—Number 15.—

(1) Messrs. G. F. Kellner & Co.
(2) Messrs. D. Sorabjee & Co.
(3) Messrs. Eshwardas & Sons.
(4) Mr. Ballabhadas Agrawal.
(5) Messrs. B. L. Meetal & Sons.
(6) Messrs. Suchet Singh & Sons.
(7) Messrs. H. P. Nag & Bros.
(8) Messrs. Indian Railway Catering Co.
(9) Messrs. Isa Bros.
(10) Messrs. A. H. Khan & Co.
(11) Messrs. Hazir & Co.
(12) The Federated Hotels.
(13) Messrs. Sk. Ishaque & Co.
(14) Messrs. Wazir Bros.
(15) Mr. Amir Chand Arya.

E. P. Railway.—Number 11—

(1) Messrs. Spencer & Co. Ltd.
(2) Messrs. Sant Singh Mohinder Singh
(3) Messrs. Ballabhdass Eshwardass.
(4) S. Attar Singh.
(5) Messrs. K. S. Mohan Singh & Bros.

(6) Messrs. Sham Lal & Sons.
(7) Mehta Bishen Dass & Sons.
(8) Messrs. Brij Lal & Sons.
(9) Mr. Ram Rakha.
(10) Messrs. Autar Singh & Bros.
(11) Mr. Nand Lal Farrukh.

G. I. P. Railway.—Number 17—
(1) Messrs. Brandon & Co., Ltd.
(2) Messrs. Nanabhoy Framjee & Sons.
(3) Messrs. A. C. Patel & Sons.
(4) Messrs. Billimoria & Co.
(5) Messrs. Wadhumal Fatehchand Bros
(6) Mr. Sorabji Mohiwala.
(7) Messrs. Banarsidas & Sons.
(8) Mr. Munney Khan.
(9) Mr. V. S. Diwadkar.
(10) Messrs. Sadashiv & Co.
(11) Mr. R. B. Upadhye.
(12) Messrs. Ballabhdas Eshwardas.
(13) Mr. E. A. Karim.
(14) Mr. Noman F. Latif.
(15) Mr. Alli Mohd. Hussain Jaffer.
(16) Mr. Ghulam Hussain Khan.
(17) Mr. Abdul Rahim.

M. and S. M. Railway.—Number 3—
(1) Messrs. Spencer & Co., Ltd.
(2) Mr. Janardhan Sham Bhatta.
(3) Mr. S. N. Lal.

Note.—24 Indian Style refreshment rooms are run by the Railway departmentally.

O. T. Railway.—Number 7—
(1) Messrs. Kellner & Co.
(2) Messrs. D. Sorabjee & Sons.
(3) Rai Sahib Ram Saran Das & Sons.
(4) Messrs. Ganesh Lal & Sons.
(5) Messrs. Indian Railway Catering Co.
(6) Messrs. Singh & Sons.
(7) Messrs. Qadir Bux & Sons.

S. I. Railway.—Number 37—
(1) Shri N. Vaidyanatha Iyer.
(2) Shri R. Narayana Iyer.
(3) Messrs. T. S. Narayana Iyer & Bros.
(4) Shri T. V. Subramania Iyer.
(5) Shri T. V. Krishna Iyer.
(6) Shri P. S. Venkateswara Iyer.
(7) Shri T. A. Ramasamy Iyer.
(8) Shri P. S. Lakshmana Iyer.
(9) Shri S. P. Baskara Iyer.
(10) Shri M. S. Kalyanasundaram Iyer.
(11) Shri C. L. Narayana Iyer.
(12) Shri A. Narayana Rao.
(13) Shri A. Viswanatha Iyer.

(14) Shri M. A. Narayanasamy Iyer.
(15) Shri K. P. Ramachandra Iyer.
(16) Shri S. Krishnamurthi Iyer.
(17) Shri P. G. S. Mani Iyer.
(18) Shri K. R. Narayana Iyer.
(19) Shri A. V. Ramachandra Iyer.
(20) Shri S. V. S. Samoo Iyer.
(21) Shri C. V. Viswanatha Sarma.
(22) Shri P. S. Vaidyanatha Iyer.
(23) Shri N. M. Sankara Iyer.
(24) Shri A. Gopalakrishna Iyer.
(25) Shri R. Sethurama Iyer.
(26) Sri R. Thanu Iyer.
(27) Shri R. Ramakrishna Iyer.
(28) Shri S. Viswanatha Iyer.
(29) Shri R. N. Sesha Iyer.
(30) Mr. N. M. Abdul Khader.
(31) Mr. M. B. Babu Sahib.
(32) Mr. M. Abdul Sathar Khan.
(33) Mr. S. K. S. Sheik Meeran Rowthar.
(34) Mr. M. Abdul Gaffar Khan.
(35) Mr. C. V. Mammoo.
(36) Mr. H. Abdul Azeez Khan Sahib.
(37) Messrs. Spencer & Co. Ltd.

Note.—Some Indian Style Refreshment rooms are run by the Railway departmentally.

VETERINARY TRAINING INSTITUTIONS

888. *Shri Satis Chandra Samanta: (a) Will the Honourable Minister of Agriculture be pleased to state the number of Veterinary Training Institutions in India with the names of places where they are located?

(b) How many students can they admit every year?

The Honourable Shri Jairamdas Doulatram: (a) There are seven Veterinary Colleges in India one each at Hissar, Mathura, Nagpur, Bombay, Madras, Calcutta and Patna.

(b) The Colleges at Mathura, Nagpur and Bombay can annually admit sixty students each while the admissions offered by the College at Madras number 100 for the B.V.Sc. course and seventy-five for the Veterinary and Livestock Inspector's course, which has been started only this year.

Information in respect of the Colleges at Hissar, Calcutta and Patna has been called for and will be supplied to the House in due course.

DEVELOPMENT OF SALT INDUSTRY

889. *Shri Satis Chandra Samanta: (a) Will the Honourable Minister of Industry and Supply be pleased to state the total amount of salt required per year for the daily consumption of the people of the Indian Union?

(b) How much is produced in India and how much is imported from outside?

(c) What are the names of small scale and big scale Salt Industries in India?

(d) Is there any Salt Industry on the sea-coast near Contai in the District of Midnapur in Bengal?

(e) Do Government propose to consider the advisability of opening and encouraging small scale Salt Industries on the sea-coasts of India?

The Honourable Dr. Syama Prasad Mookerjee: (a) India requires about 612 lakh maunds of salt for consumption during a year.

(b) About 517 lakh maunds is produced in the country and the deficit *viz.* 95 lakh maunds is made up by imports from outside, mainly Pakistan and Aden.

(c) A statement is laid on the table of the House.

(d) Yes.

(e) Yes. Small scale manufacture is being encouraged in all the salt producing areas on the sea-coast.

Statement

Name of large sources	Annual Production 1947-48 (In lakh mds.).
1. *Rajputana Salt Sources*—	
(i) Sambhar Lake.	100
(ii) Pachbadra.	16
(iii) Didwana.	12
2. *Bombay*—	
(i) Kharaghoda.	88
(ii) Dharasna.	5
(iii) Bombay.	70
3. *Madras*—	
(i) Naupada.	36
(ii) Penuguduru.	20
(iii) Madras.	57
(iv) Vedernyam.	20
(v) Tuticorin.	54
4. *States*—	
(i) Jamnagar, Porbandar, Bhavanagar, Navlakhi and Okha (Kathiawar Sources)	81
(ii) Travancore.	22
Total	531

II. In addition to the above, there are other small factories some of which are named below :

Name and address of factory	Annual Production (in lakh mds.)
1. *Bengal*	
Messrs. Bengal Salt Co., Ltd.	0.5
2. *Orissa*—	
(i) Humma.	4·2
(ii) Sumadi.	1·7
3. Portuguese India—	
Goa	2.6

INLAND AIR MAIL POST CARDS AND AIR MAIL ENVELOPES

890. *Shri L. Krishnaswami Bharathi: Will the Honourable Minister of Communications be pleased to state:

(a) whether it is a fact that the volume of inland air mail has increased;

(b) whether there is a proposal to print separate air mail post cards of one anna each and separate air mail envelopes of two and half annas each so as to avoid the necessity of affixing adhesive stamps and air mail slips; and

(c) if not, why not?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes.

(b) It has been decided to bring out blue envelopes imprinted with 2½ annas postage for inland airmail. They will be on sale from the 15th September 1948. From the same date inland air letter cards imprinted with two annas postage will also be on sale. It is not proposed to issue air-mail postcards.

(c) Does not arise.

BASIS FOR CREATION OF INDEPENDENT POSTAL CIRCLES

891. *Shri Loknath Misra: (a) Will the Honourable Minister of Communications be pleased to state what is the basis for the creation of independent circles of the Posts and Telegraphs Department?

(b) What is the volume of business transacted in Assam Circle and the volume of business transacted in Orissa and Orissa States?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Volume of traffic, area to be controlled, strength of personnel and length of mail and telegraph lines and number of carrier channels are the main factors which are taken into consideration in deciding the question of creation of independent Circles in the Posts and Telegraphs Department.

(b) A statement showing the comparative volume of Postal traffic of Orissa and Orissa States and Assam is placed on the table of the House. No separate figures of Telegraph and Telephone traffic for Orissa are available as the control of Telegraph and Telephone traffic vests in the Postmaster-General, Bihar and Orissa Circle.

Statement

	Money orders.	Registered letters.	V. P. letters	Insured letters	Registered Parcels	V. P. Parcels	Insured Parcels
Orissa	71,964	48,734	1,981	2,524	6,677	3,486	417
Assam	1,23,101	64,202	4,290	4,912	9,601	2,503	979

HOUSING ACCOMMODATION AND CHEAP CANTEENS FOR EMPLOYEES OF POSTS AND TELEGRAPHS DEPARTMENT

892. *Shri Loknath Misra: (a) Will the Honourable Minister of Communications be pleased to state whether Government are aware that there is no sufficient housing accommodation for the employees of the Posts and Telegraphs Department?

(b) Is it a fact that Government have received representations regarding this from different unions and if so, what have Government done in the matter and what do Government propose to do in future?

(c) Do Government intend to extend the facilities of cheap canteens as in Railways for the Post and Telegraph workers?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes, especially in places where staff transferred from Pakistan have been posted in considerable numbers.

(b) Yes. Government have been renting private accommodation or, where necessary, having them requisitioned. Surplus military barracks are being taken up where available, and at some places temporary structures are being put up. It has also been ordered in some places that quarters falling vacant should be shared by two or more families whenever possible. For the future, Government have comprehensive plans for construction of staff quarters.

(c) Yes. Labour Officers of the Department have been asked to organise Canteens as early as possible.

HOUSING ACCOMMODATION AND SCHOOLS FOR RAILWAY STAFF AT SHAKURBASTI

893. *Shri Ram Sahai: (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that the Railway staff employed at Shakurbasti are living in tents and have not been provided with housing accommodation so far and that they are being robbed by thieves from time to time?

(b) If so, what precautionary measures have been adopted by Government for the security of the staff?

(c) Is it a fact that so far no arrangements have been made by the Railway authorities for providing education to the children of the railway employees and that most of them have been deprived of education on account of failure to secure seats in other schools and colleges?

The Honourable Dr. John Matthai: (a) Some of the staff employed at Shakurbasti have been accommodated in tents for want of quarters. A few cases of thefts have been reported from the tents.

(b) Chowkidars have been provided to guard the Railway Colony.

(c) A District Board School and a private school run by public donation already exist at Shakurbasti. The Superintendent of Education, Delhi, has also been approached for additional facilities and it is expected that a new school will be opened shortly.

USE OF JEEP OF E. P. RAILWAY FOR OFFICERS' BENEFIT

894. *Shri Ram Sahai: Will the Honourable Minister of Railways be pleased to state whether it is a fact that the jeeps of the Eastern Punjab Railway carry the Bearers of the Spencer and Co., from the Eastern Punjab Railway Headquarters Office to their Restaurant and *vice versa* in order to serve cheap Lunch and Tea to the officers of the railway? If so, why?

The Honourable Dr. John Matthai: There is only one jeep allotted to the Eastern Punjab Railway. Ordinarily the jeep on its way back from the Divisional Office, the stations, etc. brings lunch for officers in the Khyber Pass Offices. There have also been occasions when it has been specially sent to bring lunch. The officers, however, pay for the use of the motor vehicle irrespective of whether it is returning after finishing official work or specially sent.

Housing Accommodation for Railway Staff, Muradnagar

895. *Shri Ram Sahai: (a) Will the Honourable Minister of Railways be pleased to state whether Government have received any representation from the President, Eastern Punjab Railway Union, stating that no residential accommodation has been provided to the staff of that Railway living in Muradnagar?

(b) If so, what action is being taken thereon?

(c) When are Government likely to make arrangements for their accommodation?

The Honourable Dr. John Matthai: (a) Yes.

(b) The Eastern Punjab Railway Union asked for accommodation at Delhi for the railway staff already housed in Government quarters at Muradnagar. This cannot be arranged at present in view of the acute shortage of residential accommodation at Delhi.

(c) In view of the reply to part (b) the question does not arise.

Fair Price for Agricultural Produce

896. *Shri Upendranath Barman: (a) Will the Honourable Minister of Agriculture be pleased to state what action has been taken by Government on the Krishnamachari Prices Sub-Committee report?

(b) What action have Government decided to take on Para. 29 of the report regarding fixation of minimum prices at not less than fair parity prices of agricultural produce?

The Honourable Shri Jairamdas Doulatram: (a) No decisions have been taken on the various recommendations of the Prices Sub-Committee so far. The full report was received by the Government in March, 1947 and copies thereof were circulated to the Provinces, States and Ministries of the Government of India for their opinion but on account of constitutional uncertainty and other disturbing factors, a conference of representatives of Provinces and States could not be called earlier. Such a conference was summoned last month to meet on the 8th and 9th September, 1948.

(b) This question will be considered at the above mentioned conference.

Communications with Andaman and Nicobar Islands

897. *Shri Basanta Kumar Das: (a) Will the Honourable Minister of Communications be pleased to state what sorts of communications there are between the mainland of India and the Andaman and Nicobar Islands?

(b) What time is usually required for ordinary letters and telegrams to reach India from these two islands and *vice versa*?

(c) What changes have been made in the matter of communications since the termination of the war?

(d) Do Government propose to consider the desirability of effecting speedier postal communications between the mainland and these islands?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Postal communication is by steamer service plying between Calcutta and Madras *via* Port Blair and Car Nicobar. Telegrams are exchanged *via* Madras exclusively by wireless between Madras and Port Blair. There is a wireless link between Port Blair and Car Nicobar.

(b) Transit time for letters is four to five days between the Islands and Madras or Calcutta, and that for telegrams between Port Blair and Madras it is half an hour between 8-14 hours and about two hours between 14-24 hours.

(c) None.

(d) Government should like to accelerate the mail service but this cannot be done until the shipping position improves.

ALLOTMENT OF DHOTIS AND SARIS TO PROVINCES

898. *Shri Basanta Kumar Das: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether Government are aware that some provinces were in need of greater quantities of Dhoti and Sari than it had been possible for them to get as their quotas during the time of rationing;

(b) whether Government are aware that in some provinces ration-card holders were obliged to take such varieties of cloth as were not wanted by them on account of paucity of Dhotis and Saris; and

(c) whether Government have considered any steps to remedy this difficulty?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). Yes, Sir.

(c) Government have already taken steps towards greater production of these varieties by asking the mills to reserve 75 per cent. of their wide looms capable of weaving Dhoties and Saries for the production of these.

ROAD LINK WITH BURMA

899. *Shreejut G. S. Guha: Will the Honourable Minister of Transport be pleased to state:

(a) whether the portion of the motorable road from Imphal to Tamer (Manipur State) constructed during the last war in continuation of the Dimapur—Imphal road is proposed to be kept up as a National Highway linking India with Burma;

(b) the length of that portion of the road; and

(c) whether it is proposed to connect Imphal with the Cachar District by a motorable road up to Silchar?

The Honourable Dr. John Matthai: (a) Yes. The road in question is included in the proposed system of National Highways and forms a part of National Highway No. 39, but the road is now being actually maintained only upto Palel, 81 miles from Imphal. It is unnecessary to develop the portion from Palel to Tamu (43 miles) as a National Highway until the Burma Government decide to undertake the development of the road in Burma which connects this road with the road system of that country.

(b) Seventy-four miles.

(c) No.

RICE EXPORTED FROM ASSAM

900. *Srijut Rohini Kumar Chaudhuri: Will the Honourable Minister of Food be pleased to state the total quantity of rice exported from Assam to the provinces in Pakistan and in the Indian Union with the consent of the Government of Assam in the year 1948 so far?

The Honourable Shri Jairamdas Doulatram: There have been no exports to Pakistan. Early in the year Assam exported 3,692 tons of rice to Bihar and West Bengal. When their stocks ran low in June, the Centre undertook to send 5,000 tons to Assam from the Central Pool. The bulk of this has moved and the rest is being despatched. In the result, Assam will thus be a net importer of rice this year.

RICE IMPORTED INTO ASSAM

901. *Srijut Rohini Kumar Chaudhuri: Will the Honourable Minister of Food be pleased to state the total quantity of rice imported to Assam in the months of June, July and August 1948, and how much was asked for by the Government of Assam?

The Honourable Shri Jairamdas Doulatram: Towards the end of June, Government of Assam asked us for an allocation of 5,000 tons rice and this quantity was allotted immediately from the Central Government stocks at Calcutta. Against this allocation, 2,600 tons were despatched in July and the entire quantity was received in Assam early in August. A further quantity of 624 tons was despatched on 17th August. Transport for the balance of 1,767 tons is also being arranged.

IMPORT OF SUGAR, WHEAT AND RICE INTO ASSAM

902. *Srijut Rohini Kumar Chaudhuri: Will the Honourable Minister of Food be pleased to state whether sugar, wheat and cereals are being regularly and safely imported to Assam, without any hindrance at the intermediate junctions of the Pakistan Railways?

The Honourable Shri Jairamdas Doulatram: Wheat and wheat products and rice are the only cereals which are being sent to Assam. In the case of wheat, wheat-products and rice, the question of hindrance in the intermediate ordinary junctions of the Pakistan Railways does not arise as the commodities are sent by steamer. As regards sugar, no such complaints have so far been received either from the industry or the Assam Government.

GOODS TRAIN LEFT JHARIA WITHOUT DRIVER

903. *Srijut Rohini Kumar Chaudhuri: (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that sometime in May or June 1948, a goods train left Jharia Station without an engine driver and was with some difficulty stopped at the next station?

(b) If so, what are the circumstances under which this took place?

The Honourable Dr. John Matthai: (a) No.

(b) Does not arise.

FLIGHT OF MAIL AND PASSENGER PLANES FROM CALCUTTA TO ASSAM OVER PAKISTAN

904. *Srijut Rohini Kumar Chaudhuri: (a) Will the Honourable Minister of Communications be pleased to state whether it is a fact that the planes carrying mails and passengers from Calcutta to Assam are not allowed to fly over Pakistan Territory whereas chartered planes of certain companies such as Dalmia Jain are allowed to do so?

(b) If so, what are the reasons therefor?

(c) Is it a fact that registered packets and parcels are not carried by planes from Calcutta to stations in Assam and that it takes an inordinate length of time for these mails to reach their destinations?

(d) If so, what arrangements are being made for their speedier despatch?

The Honourable Mr. Rafi Ahmad Kidwai: (a) and (b). The service at present used for carrying mails and passengers from Calcutta to Assam (Gauhati) is a non-scheduled one. According to the International regulations governing non-scheduled flights over the territory of another State, the State concerned is entitled to require such aircraft to land at a specified aerodrome in its territory. In the case of Pakistan, a notification has been issued by that Government requiring all aircraft engaged on non-scheduled flights across Eastern Pakistan territory to land at Dacca. This restriction applies to all companies. To avoid the landing at Dacca, therefore, the non-scheduled service between Calcutta and Gauhati is routed so as to avoid Pakistan territory.

(c) The reply to the first part of the question is in the affirmative and to the second part in the negative.

(d) They are sent by the surface route by the quickest means.

DELAY IN DELIVERY OF AIR MAIL LETTERS

905. *Srijut Rohini Kumar Chaudhury: Will the Honourable Minister of Communications be pleased to state whether it is a fact that even now air mails within the Indian Union take as much time to be delivered at their destinations as ordinary mails?

The Honourable Mr. Rafi Ahmad Kidwai: No, it is not a fact.

WAGONS AND LOCOMOTIVES

906. *Shri Suresh Chandra Majumdar: Will the Honourable Minister of Railways be pleased to state:

(a) the numbers of wagons of different types (broad gauge, metre gauge etc.) with their total loading capacities and also of locomotives as on 31st August, 1939 and 31st August, 1945;

(b) the numbers of wagons and locomotives which on the partition of the country were allotted to the Indian Union and Pakistan respectively;

(c) the number of wagons and locomotives in service on 30th June, 1948;

(d) the net increase or decrease in the numbers of wagons and locomotives, month by month, during the ten months from September 1947 to June 1948;

(e) the number of new wagons which were acquired during the ten months from September 1947 to June 1948;

(f) how many of such new wagons were manufactured in State-owned workshops and how many elsewhere;

(g) the number of wagons if any, imported from abroad, during the ten months from September 1947 to June 1948; and

(h) whether there are any orders at present pending for wagons to be imported from abroad and if so, from which country or countries and the number ordered, their value and the expected date of delivery?

The Honourable Dr. John Matthai: (a) to (h). A statement showing the information required by the honourable member is laid on the table of the House.

Statement

(a) The information required is not available.

(b) When the partition of India took place rolling stock was divided on the basis of the "Notional Boundary' division of the country. The division for wagons and locomotives as recommended by the Balancing Committee was as under:

		Number partitioned	India	Pakistan
Wagons —				
From N. W. Railway . . .	BG	36,371	12,980	23,391
	NG	893	306	587
From B. A. Railway	BG	11,781	5,838	5,943
	MG	13,395	4,815	8,580
Locomotives—				
From N. W. Railway . . .	BG	1,329	454	875
	NG	105	52	53
From B. A. Railway	BG	358*	138	220
	MG	617	341	276

(*Excludes 16 engines which were not divided).

Division of all the items except the MG goods stock for BA Railway were accepted by the Partition Sub-Committee.

Consequent on the Radcliffe Award, India was entitled to an additional share of rolling stock but no adjustment has yet been made either by the Railway Department Sub-Committee or by the Partition Council. In the meantime, however, officers deputed by the GMs of NW & EP Railways on the one hand and by the GMs of EB, EI & Assam Railways on the other, have worked out proposals for division on the basis of the Radcie Award. According to these proposals, India's share should be :—

		India's proposed share	
Wagons—			
From N. W. Railway. .	BG	13,115	
	NG	306	
From B. A. Railway . . .	BG	Not yet made.	
	MG	5,034	
Locomotives—			
From N. W. Railway. . .	BG (Under dispute)	474	According to Pakistan Officials.
		478	According to India Officials.
	NG	52	
From B. A. Railway	BG	218	
	MG	372	

No action has been taken on the proposals because these have not yet been considered by the Railway Department Sub-Committee.

(c) The average number of wagons and locos in service on the Government Railways during June 1948 were :—

Wagons	170,767	(excluding N. G.)
Locos	6,331	(excluding N. G.)

(d) The information required is as under—

	Locomotives
September 1947	+2897	+94
October 1947	+ 145	— 1
November 1947	+ 13	— 8
December 1947	— 57	+ 9
January 1948	+ 26	— 1
February 1948	+ 656	— 5
March 1948	+ 413	+ 3
April 1948	— 254	+11
May 1948	+2569	+10
June 1948	— 392	—20

(e) The number of new wagons in terms of 4-wheelers which were acquired during the ten months from September 1947 to June 1948 is 3,197.

(f) None of the wagons given above were manufactured in state owned workshops.

(g) The number of wagons imported during the period was 29.

(h) At present 350 B.G. oil tank wagons are on order in Canada. The value of the orde is approximately Rs. 68,78,000/ and the wagons are expected to be delivered (ex-works) during the last quarter of 1948.

PROPOSAL TO BRING KHAMGAON ON THE MAIN RAILWAY LINE BETWEEN NAGPUR AND BHUSAWAL

907. *Shri L. S. Bhatkar: Will the Honourable Minister of Railways be pleased to state whether there is any proposal to bring Khamgaon on the main Railway line between Nagpur and Bhusawal?

The Honourable Dr. John Matthai: No.

DELHI TELEPHONE ADVISORY COMMITTEE

908. *Babu Ramnarayan Singh: Will the Honourable Minister of Communications be pleased to state:

(a) the purpose and the period for which the Telephone Advisory Committee has been formed in Delhi and the method by which it was formed?

(b) the number of applications received for telephone connections since the formation of the Telephone Advisory Committee till the end of July 1948;

(c) the total number of meetings held by the Telephone Advisory Committee since its formation;

(d) the total number of telephones granted by the Telephone Advisory Committee; and

(e) the number of applications still lying for disposal?

The Honourable Mr. Rafi Ahmad Kidwai: (a) The Delhi Telephone Advisory Committee has been constituted for allotment of new telephones to the public on a fair and equitable basis and generally to advise the administration of the Delhi Telephone District about measures to be taken for the improvement of the service. Its detailed functions are laid on the table of the House.

No definite tenure has been fixed for it. It was formed by the Ministry of Communications and is composed of the following:

(1) A nominee of the Provincial Government—nominated by the Chief Commissioner.

(2) Two nominees of the Chambers of Commerce—one nominated by the Federation of Indian Chamber of Commerce and Industry, and the other by the United Chamber of Trade Association.

(3) A member of the Constituent Assembly nominated by the Honourable Minister for Communications.

(4) A nominee of the Press—nominated by the Ministry of Information and Broadcasting.

(5) The District Manager Telephones, New Delhi, who is the Chairman of the Committee.

(6) The Contract Officer, Delhi Telephone District, Delhi, who is the Secretary of the Committee.

(b) 648.

(c) 7.

(d) 110.

(e) 8,185. This includes applications received before the formation of the Committee.

Functions of Telephone Advisory Committees

(1) Bringing the public and the Posts and Telegraphs Department into better relationship over the work of the telephone service,

(2) giving the public confidence that their grievances were being properly represented and attended to,

(3) giving more publicity to the action being taken by the Department to improve the telephone service,

(4) advising the Department in opening new connections on a fair and equitable basis by assessing merits and claims of individual applicants and the comparative nature of the importance of their activities,

(5) advising on the betterment of the local exchange and trunk service,

(6) assisting this Department to tide over the present situation by invoking co-operation and patience from the public, and

(7) utilising the services and advice of these Committees in allotting priority for opening new telephone connections for the public.

POSTS AND TELEGRAPHS PENSIONERS' CENTRAL ASSOCIATION

909. *Shri Yudhishthir Mishra: (a) Will the Honourable Minister of Communications be pleased to state whether Government have received any representation on behalf of the Posts and Telegraphs Pensioners' Central Association to give recognition to the said Union?

(b) If the answer to part (a) above be in the affirmative, what steps have Government taken in this respect?

(c) Do Government propose to give recognition to the Association and if not, why not?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes.

(b) Request for recognition has not been granted.

(c) No. One of the conditions for recognition of a Departmental Association is that it should consist of a distinct class of Government employees. Since the Posts and Telegraphs Pensioners are no longer in the active service of Government and are not Government employees, the question of granting recognition to Posts and Telegraphs Pensioners' Central Association does not arise.

RAILWAY WAGONS AND COACHES

910. *Shri Moturi Satyanarayana: Will the Honourable Minister of Railways be pleased to state:

(a) whether the average cost for movement of goods per maund per mile has increased or decreased since 1939, if increased, by what proportion;

(b) whether the average use of wagons and coaches has been on the increase or decrease since 1939; if on the increase to what extent;

(c) whether any figures are available to show the demand for wagons during the years 1939, 1948 and 1947 which could not be met on account of non-availability of wagons and if not, whether Government propose to collect these figures and place them on the table of the House; and

(d) what time Government will take to prepare schemes and implement them to meet the excess demand of wagons and coaches?

The Honourable Dr. John Matthai: (a) The average cost for hauling a ton of goods one mile has increased by 89·3 per cent. over the broad gauge and 116·7 per cent. over the metre gauge, when compared with 1938-39.

(b) The average load per wagon during the run has increased from 12·5 tons during 1938-39 to 14.5 tons during 1946-47 *i.e.*, by 16 per cent. over the broad gauge and from 6·48 tons during 1938-39 to 6·77 tons during 1946 47 *i.e.*, by 5·29 per cent. on the metre gauge, when compared with 1938-39.

The correct information regarding the average number of persons travelling in each coach is not readily available, but there is no doubt that the number of persons travelling now per coach would be considerably greater than during 1938-39.

(c) The figures are not readily available. Information has been called for from the railway, and will be laid on the table of the House in due course, if available.

(d) The minimum possible time is being taken to prepare and implement schemes for the increase in the number of wagons and coaches.

EXPENDITURE ON RAILWAY EMPLOYEES

911. *Shri Moturi Satyanarayana: (a) Will the Honourable Minister of Railways be pleased to state what was the *per capita* expenditure on railway employees during the years 1939, 1943 and 1947 in respect of (i) General Administration, (ii) Engineering and technical personnel and (iii) Traffic Department?

(b) What was the average number of men employed for every 100 miles of railway track during the years 1939, 1943 and 1947?-

The Honourable Dr. John Matthai: The information has been called for from Railways and will be placed on the table of the House, when received.

DECENTRALISATION OF RAILWAY ADMINISTRATION

912. *Shri Moturi Satyanarayana: Will the Honourable Minister of Railways be pleased to state whether Government are considering any proposal to decentralise the railway administration and whether there is any scheme in contemplation to vest regional officers with more powers to achieve this end?

The Honourable Dr. John Matthai: No such proposal is under consideration at present.

IMPORT OF CEREALS

913. *Shri Moturi Satyanarayana: (a) Will the Honourable Minister of Agriculture be pleased to state what is the amount paid for importing on Government account rice, wheat and other cereals from abroad during the past five years?

(b) What is the total loss incurred in distributing these foodgrains to the people?

(c) In how many years do Government expect to place the country on a basis of self-sufficiency in respect of food?

(d) Are Government having any schemes to induce peasants to reduce acreage under commercial crops for stepping up the production of foodgrains in the country?

(e) If so, what are the schemes?

The Honourable Shri Jairamdas Doulatram: (a) A statement giving the required information for the years 1943-44 and 1944-45 is laid on the table of the House. Information in respect of the years 1945-46 to 1947-48 was furnished to the House on the 11th August, 1948 in reply to Question No. 98.

(b) Attention of the honourable member is invited to the reply given to part (d) of the Starred Question No. 284 on 16th August, 1948.

(c) The exact period will depend on a number of factors including the effort which the provincial and State administrations are able to put forth and the co-operation received from the agriculturists.

(d) and (e). During the war certain restrictions were imposed for the reduction of area under cotton. In addition, under the Grow More Food Campaign, specific inducements in the form of subsidies were and are being given for growing food crops, such as subsidies for digging wells in which three-fourths of the area should be under food crops, subsidised sale of fertilisers for food crops, subsidised sale of improved seeds of food crops and the like. At present the question of how far the reduction in the area under non-food crops has benefited food-crop production is being examined especially by reference to cotton.

Statement.

showing the value of Grins imported during the year 1943-44 and 1944-45.

Years	Grain	Value (in lakhs of rupees)
1943-44	Wheat and Wheat flour	370
	Rice	Nil.
	Otheos Grains	474
	Total	844
1945-45	Wheat and Wheat flour	1576
	Rice and other grains	Nil.
		1576

SCHEMES FOR IMPROVING QUALITY AND INCREASING PRODUCTION OF COTTON

914. *Shri Moturi Satyanarayana: Will the Honourable Minister of Agri-

(a) whether, in view of the fact that large cotton growing areas have now gone to Pakistan and large quantities of cotton have to be imported for feeding our mills, Government have evolved any scheme for increasing the quantity and improving the quality of cotton grown in this country; and

(b) whether Government propose to consider the advisability of total prohibition of raw cotton exports with a view to giving a fillip to hand-spinning and hand-weaving?

The Honourable Shri Jairamdas Doulatram: (a) Yes. The following measures have been taken by the Indian Central Cotton Committee:

(i) It is proposed to increase the area under cotton by four million acres under specified types of long and medium staple cotton. The acreage under cotton will thus be raised to 15·5 million acres. This will add nearly 8·0 lakh bales to the present production.

(ii) As regards quality, the Committee has already been financing schemes for breeding improved varieties of cotton. A statement is laid on the table showing some of the schemes in operation.

(b) Export of Indian cotton is already prohibited except the following four short staple varieties: (i) Bengal Deshi, (ii) Mathia, (iii) Comilla, and (iv) Assam.

These four varieties are of very short staple length and are capable of being spun into very coarse yarn, about 8 lakh bales are surplus to our requirements.

Statement

showing the schemes in operation for improving the quality of Cotton Grown in India

(a) Scheme for breeding long staple American cotton as a Winter crop in Central Districts and Sea Island varieties in West Coast of Madras Province.

(b) Scheme for evolving long stapled American cottons for cultivation under irrigation in the proposed Tungabhadra Project.

(c) Scheme for breeding Sea Island and Egyptian cottons in Mysore State.

(d) Scheme for evolving long staple cottons in East Punjab.

(e) Scheme for the extension of area under Buri and Cambedia in Central Provinces and Berar during the year 1948-49.

(f) Scheme for multiplication and distribution of 4F and L S.S. in East Punjab.

The commission has also proposed to send an expedition to Egypt, U.S.A. and South America (including Peru and Ecuador) to collect material for evolving still better types of cotton.

LONG AND SHORT STAPLE COTTON

915. *Shri Moturi Satyanarayana: Will the Honourable Minister of Agriculture be pleased to state:

(a) the total quantities of long staple and short staple cotton produced in India;

(b) whether any quantity of short staple cotton is imported from outside; and

(c) whether any scheme has been implemented to grow long-staple cotton in India and if so, with what result?

The Honourable Shri Jairamdas Doulatram: (a) The estimated production of different varieties of cotton for 1947-48, the latest year for which complete information is available, is as follows:

	(In lakh bales of 400 lbs. each)
Long staple (above 13/16")	6.0
Medium Staple (11/16" to 13/16")	15.0
Short Staple (below 11/16")	7.0
TOTAL	28.0

(b) No. On the contrary, it is exported as we have an exportable surplus in this variety.

(c) Yes. Various schemes for increasing the production of long and medium staple cotton in India are now under implementation. A statement to illustrate the nature of a few such schemes is laid on the table of the House. As a result of these schemes an additional area of 4 million acres is expected to be brought under long and medium staple cotton which will add approximately 8 lakh bales to the production.

Statement

Illustrating the Schemes now under implementation for evolving long staple varieties and extending their cultivation.

(a) Scheme for breeding long staple American cotton as a winter crop in Central Districts and sea Island varieties in West coast of Madras-Province	5 Years.
(b) Scheme for evolving long stapled American cotons for cultivation under irrigation in the proposed Tungabhadra Project	5 Years.
(c) Scheme for breeding Sea Island and Egyptian cottons in Mysore State.	3 years (Extension).
(d) Scheme for evolving long staple cottons in East Punjab	5 Years.
(e) Scheme for extention of area under Buri and Cambodia in Central Provinces and Berar during the year 1948-49.	1 year.
(f) Scheme for multiplication and distribution of 4 F and L. S. S. in East Punjab	5 years.

GROWING OF COTTON IN BUNDS AND WASTE LANDS

916. *Shri Moturi Satyanarayana: Will the Honourable Minister of Agriculture be pleased to state whether Government have prepared any country-wide scheme for growing cotton in bunds and waste lands, with a view to making every village self-sufficient in the matter of clothing?

The Honourable Shri Jairamdas Doulatram: No.

OFFICERS ON EASTERN PUNJAB RAILWAY

917. *Shri Damodar Swarup Seth: Will the Honourable Minister of Railways be pleased to state the number of officers employed on the Eastern Punjab Railway?

The Honourable Dr. John Matthai: There are 137 gazetted employees on the Eastern Punjab Railway at present.

RESIDENTIAL ACCOMMODATION FOR OFFICERS AND STAFF ON EASTERN PUNJAB RAILWAY

918. *Shri Damodar Swarup Seth: Will the Honourable Minister of Railways be pleased to state:

(a) whether Government are aware that the officers of the Eastern Punjab Railway are occupying full bungalows or two quarters each, whereas the majority of the staff of the Eastern Punjab Railway are either sharing quarters or are without any accommodation; and

(b) if the reply to part (a) above be in the affirmative, whether Government propose to take action in the matter?

The Honourable Dr. John Matthai: (a) E. P. Railway officers at Delhi are at present occupying accommodation far below the standard for which they are eligible. Wherever possible the existing bungalows are being shared between two officers.

(b) Does not arise.

UNION OF EXTRA-DEPARTMENTAL OFFICIALS OF POSTAL DEPARTMENT.

919. *Shri Damodar Swarup Seth: Will the Honourable Minister of Communications be pleased to state:

(a) whether Government have received any representation from the Union of the Extra-Departmental Officials of the Postal Department for the recognition of the Union;

(b) whether it is a fact that the request of the Union was turned down; and

(c) if so, reasons for the refusal of recognition?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes.

(b) Yes.

(c) Extra Departmental Agents are eligible to join the existing recognised Unions and Associations within the Posts and Telegraphs Department and Government do not consider that there is any necessity for the formation and recognition of a separate Union for Extra Departmental Agents only.

FREEZING AND FIXATION OF PRICES OF CLOTH

920. *Shri Basanta Kumar Das: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the quantities of cloth frozen in the mills and with traders separately;

(b) what quantities have been disposed of and in what manner;

(c) how the balance will be disposed of and by what time;

(d) on what basis the prices for different varieties have been fixed; and

(e) what percentage of reduction in prices on an average has been effected?

The Honourable Dr. Syama Prasad Mookerjee: (a) The entire stock of cloth which was with the mills on the 30th July 1948 was frozen and the mills were asked to furnish full information about these stocks forthwith. According to the returns received from the mills the total quantity of such cloth was 4,17,300 bales. Cloth with the dealers was not frozen by the Government of India as it was left to the Provincial and State Governments to do so if they so desired. The figures of cloth frozen by them are not yet available.

(b) Out of the stocks frozen, disposal instructions have already been issued to the Mills by the Textile Commissioner in regard to 1,57,000 bales, while 92,700 bales have been placed by him at the disposal of the Provincial and State Governments who will issue disposal instructions to the Mills within their respective jurisdictions.

(c) The balance will be disposed of by making allotments to the deficit areas and it is hoped that disposal instructions will be issued before 15th September, 1948.

(d) Prices have for the present been fixed on an *ad hoc* basis with due regard to the recommendations made by the Tariff Board and the views expressed by the Industry.

(e) The average reduction effected is about 20 per cent. in the case of Coarse and Medium and forty per cent. in the case of Fine and Superfine cloth.

COLD STORAGE PLANTS IN INDIAN STATES

921. *Shri V. S. Sarwate: (a) Will the Honourable Minister of Agriculture be pleased to state whether in Government's scheme to popularise cold storage plants, any such plants are proposed to be located in the Indian States?

(b) If so, in which States and in what manner?

(c) What are the criteria or the guiding factors in selecting these States, and what was the procedure adopted for making such selection?

(d) Did Government, before making selection, consult the Governments of the Indian States and the industrialists in these States? If so, with what result?

The Honourable Shri Jairamdas Doulatram: (a) The development of cold storage industry has been left largely to private enterprise and the Government of India has got no scheme, as such, for setting up cold storage plants at different places.

(b) to (d). Do not arise.

PRODUCTION AND SUPPLY OF CLOTH AND SMUGGLING TO PAKISTAN

922. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Industry and Supply be pleased to state what is the quantity of cloth manufactured in the cotton manufacturing centres of Bombay and Ahmedabad respectively for the year ended 30th June, 1948?

(b) Out of the above quantities, what were the quantities respectively for which permits were given for export to other provinces by the Textile Commissioner for the year ended 30th June, 1948?

(c) What was the quantity actually exported from these two centres during the last six months, January to June, 1948?

(d) Are Government aware that considerable quantities of cloth and yarn have been smuggled out of India to Pakistan and Nepal?

(e) What are the probable quantities so smuggled and the measures taken to check further smuggling?

(f) Are Government aware that one of the main reasons responsible for the scarcity of cloth and cotton piecegoods all over the country is the restriction imposed on the movement of cloth from province to province, and if so, what steps do Government propose to take to remove these restrictions?

The Honourable Dr. Syama Prasad Mookerjee: (a) The quantity of cloth manufactured at the two centres in question during the year ending 30th June 1948 was as follows:

Bombay 892,000 bales,

Ahmedabad 656,000 bales.

(b) The quantity for which permits were issued for export to the provinces during the same period was:

From Bombay 787,000 bales,

From Ahmedabad 485,000 bales.

(c) Quantity actually exported during the six months January-June 1948 was:

From Bombay 348,000 bales,

From Ahmedabad 239,500 bales.

(d) Government are aware that cloth and yarn have been smuggled out of India to Pakistan in considerable quantities but no information is available about smuggling to Nepal.

(e) It is not possible to give an accurate estimate of the quantity of cloth and yarn which has actually been smuggled out of India. As regards the measures taken to check smuggling I would invite the honourable member's attention to part (b) of the reply given by me to Mr. R. K. Sidhva's Question No. 80 asked on the 11th August 1948.

(f) Government do not think that the restriction placed on the movement of cloth from Province to Province is in any way responsible for the scarcity of cloth. On the other hand, if these restrictions which are mere regulations of movement, had not been placed all the cloth produced at the producing centres would have gone to richer provinces and to provinces from where smuggling could take place at the cost of provinces like Orissa, Madras and Assam. The question of removing such regulations intended to secure even distribution does not therefore arise.

PRODUCTION AND IMPORT OF STEEL

923. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Industry and Supply be pleased to state what is the total quantity of steel produced in India for the year ended 30th June 1948?

(b) What is the difference in price, if any, between the steel manufactured by Tatas in this country and imported foreign steel?

(c) Are Government aware that this difference in price acts as an impediment in increasing the production of Indian steel?

(d) If so, what steps do Government propose to take in the matter to increase the production of steel in this country?

The Honourable Dr. Syama Prasad Mookerjee: (a) 851,767 tons.

(b) The difference varies between thirty to fifty per cent. depending on the category of steel.

(c) and (d). No, Sir; there is no impediment because imported and indigenous steel are pooled together and sold at average equalised prices; the prices given to the producers allow a reasonable margin of profit.

WAGONS FOR TRANSPORT OF COTTON AND CLOTH

924. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Railways be pleased to state how many wagons were allotted at Bombay, Sholapur, Ahmedabad and Indore respectively for the movement of cotton and cotton cloth during the year ended 30th June, 1948?

(b) Are Government aware that the scarcity of wagons and the resultant transport bottle-neck is one of the reasons responsible for the scarcity of cloth?

(c) If so, what steps are Government taking to relieve the scarcity of wagons and to ensure rapid movement of cloth and other consumer goods?

The Honourable Dr. John Matthai: (a) During the year ended 30th June, 1948, 198 wagons for cotton and 8237 wagons for cotton cloth were allotted on the G. I. P. Railway at Bombay, and 1187 wagons for cotton cloth at Sholapur. During the same period, two broad gauge wagons for cotton and 3965 broad gauge and 2809 metre gauge wagons for piecegoods were allotted at Ahmedabad. Information regarding number of wagons allotted on the B.B. and C. I. Railway at Bombay and at Indore is being collected and will be placed on the table of the House in due course.

(b) No. As the actual despatches of cloth from Bombay and Ahmedabad far exceeded the target for the period February to June 1948, transport is certainly not the reason for the reported scarcity of cloth.

(c) Does not arise in view of reply to part (b).

NATIONAL MACHINERY MANUFACTURERS LIMITED, BOMBAY

925. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Industry and Supply be pleased to state whether Government have given any support in formation and floatation of the National Machinery Manufacturers Limited, Bombay?

(b) What is the programme of the above Company and what are the details of the proposed production of machinery to be undertaken?

The Honourable Dr. Syama Prasad Mookerjee: (a) Necessary facilities in regard to priority passages and making foreign exchange available etc. were provided by Government to a Technical Mission consisting of certain industrialists to visit U.K. for the purpose of negotiating terms with the Textile Machinery Makers Ltd., U.K. Apart from these facilities the only other help given to the firm by the Government has been in regard to release of Steel and Cement for constructional purposes.

(b) The National Machinery Manufacturers Ltd., would have an initial lay out to manufacture Spinning Machinery from blow room to Spinning Frames to the extent of 20,000 spindles per month, the ultimate target within five years being 40,000 spindles per month.

Plant, Machinery and Stores for Cotton Mills

926. *Shri M. Ananthasayanam Ayyangar: Will the Honourable Minister of Industry and Supply be pleased to state what steps Government are taking to ensure that the necessary plant, machinery and stores are easily and speedily made available to the Indian Cotton Mills to enable them to increase production of cotton and yarn?

The Honourable Dr. Syama Prasad Mookerjee: Licences have been issued for the import of about 3,000,000 spindles for establishing new Mills and expanding existing mills which when received and installed would yield an additional 1,800 million yards of cloth per annum. Licences are assisted to secure their requirements of machinery and stores from U.K., U.S.A. and Japan. Negotiations for the purchase of 1,00,000 spindles from Japan on Government account have already been finalised; and a further 1,00,000 spindles are expected to be imported on private account during the next two years.

Development of Waterways Transport

927. *Shri Moturi Satyanarayana: Will the Honourable Minister of Transport be pleased to state:

(a) what efforts have been made to relieve the pressure on national transport through development of waterways;

(b) the total number of boats used in big rivers and the boats used in navigable canals in the country and their carrying capacity;

(c) whether any scheme is under contemplation to give subsidy to boat building industry;

(d) whether Government propose to consider the advisability of sending some experts to study waterways transport in other countries; and

(e) whether Government have any scheme to link the waterways regionally and on an All-India basis?

The Honourable Dr. John Matthai: (a) Under the existing Constitution, the Government of India are not responsible for the development of inland waterways as the subject falls within the Provincial field.

(b) The information is not yet available with the Government of India, but is being collected from the Provincial Governments concerned as far as practicable.

(c) No.

(d) This is a matter for the Provincial Governments to consider.

(e) The Government of India have no scheme to link the waterways regionally or on an All-India basis, but the whole question is under investigation and under the new constitution certain waterways may be declared as "National Waterways" and developed as such.

Co-ordination of Road and Railway Transports

928. *Shri Moturi Satyanarayana: Will the Honourable Minister of Transport be pleased to state what steps are being taken since August, 1947 to co-ordinate the railway transport and the road transport with a view to relieving the strain on the former?

The Honourable Dr. John Matthai: The Provincial Governments were specifically requested in January, 1948, to mobilise their road transport resources to the maximum extent possible, with a view to giving relief to the Railways. We have also assured them that the Central Government will assist them with special petrol allocations from the Central Reserve as far as possible. Special *ad hoc* allocations of petrol have actually been made on several occasions in the past for movement of foodgrains and other essential commodities.

Dining Car Contractors on Delhi-Lalamusa Express Train

929. *Babu Ramnarayan Singh: Will the Honourable Minister of Railways be pleased to state:

(a) whether it is a fact that the running of Indian dining cars between Delhi and Lalamusa attached to 57 Up and 58 Down Express Trains was discontinued on and from 15th December, 1941;

(b) whether it is a fact that the running of those cars attached to those trains were re-introduced on and from the 27th February, 1948; and

(c) who the contractors of the discontinued cars were and who the contractors of the re-introduced cars are together with the reasons for the change, if any?

The Honourable Dr. John Matthai: (a) No precise information is available with the present Eastern Punjab Railway as the matter concerned the old N. W. Railway who have not transferred the relative papers to the Eastern Punjab Railway.

(b) No, the running of the dining cars by 57 Up and 58 Down Delhi-Amritsar trains was re-introduced from the 20th February 1948. Although the contract for the re-introduction of these services was given to Messrs. Sant Singh Mohinder Singh by the old N. W. Railway on the 11th July, 1947, they could not start functioning earlier due to dislocation caused by the disturbances, breaches and the refugee movement following the partition.

(c) As stated under (a) and (b) above, the information requested in the first and the last parts of this question is not available. The name of the firm of contractors of the re-introduced cars has been given under (b).

Refreshment Rooms on Railways

930. *Babu Ramnarayan Singh: Will the Honourable Minister of Railways be pleased to state:

(a) whether it is a fact that the Central Advisory Council for Railways adopted in 1947 the policy of abolition of racial or communal refreshment rooms on railways;

(b) if so, the date from which this policy was given effect to on railways;

(c) the names of the Railway stations where the said policy is given effect to; and

(d) the reasons for not working the refreshment rooms under the changed policy departmentally?

The Honourable Dr. John Matthai: (a) No, no such policy was advocated by the Central Advisory Council for Railways in 1947. Recently, however, at their meeting held on the 10th April, 1948, they have recommended that in future there should be only two classes of refreshment rooms, namely, vegetarian and non-vegetarian.

(b) and (c). As the introduction of the new types of refreshment rooms involves revision of contracts and also structural alterations in the existing rooms in many cases, it has not been possible to fix a target date for the purpose and the matter is at the moment under examination by the various Railway Administrations. Certain difficulties in the implementation of the recommendation have also been referred to the Central Advisory Council for Railways for further consideration. Meanwhile, however, at Delhi and Bezwada Railways for further consideration. Meanwhile, however, at Delhi and Bezwada Stations, the Indian Refreshment Rooms have been classed as vegetarian and non-vegetarian. On the South Indian Railway the Indian Style Refreshment Rooms are also already run on these lines.

(d) Government have considered this matter in consultation with the Central Advisory Council for Railways, who, at their meeting held on the 15th March, 1947, declared that the departmental catering should continue on the railways where it already existed, but need not be extended under the present conditions. Government have accepted this recommendation.

RESTORATION OF TRAINS BETWEEN RATLAM AND AJMER

931. *Shri Gopikrishna Vijayavargiya: Will the Honourable Minister of Railways be pleased to state:

(a) whether Government are aware that the passenger trains Nos. 29 Up and 30 Down running between Khandwa and Ajmer have recently been discontinued, and as a result of this, the local population is put to much inconvenience;

(b) if so, whether Government propose to take steps to re-start the trains mentioned in part (a) above; and

(c) if the answer to part (b) above be in the negative, whether Government propose to arrange to have the up and down trains between Khandwa and Ratlam extended, so that they may run between Khandwa and Neemuch?

The Honourable Dr. John Matthai: (a) and (b). Passenger trains Nos. 29 up and 30 down running between Khandwa and Ajmer were recently discontinued between Ratlam and Ajmer to provide stock for the movement of refugees, and have been reinstituted from the 13th August, 1948.

(c) Does not arise in view of the reply to parts (a) and (b) above.

CANCELLATION OF MADRAS-BOMBAY EXPRESS AND MAIL TRAINS

932. *Shri L. Krishnaswami Bharathi: Will the Honourable Minister of Railways be pleased to state:

(a) whether the attention of Government has been drawn to the news item published in the issue of the *Hindu* dated Sunday, the 22nd August 1948, about the attack by Razakars on the Madras-Bombay Express train on Thursday the 19th August 1948, and also about the cancellation of the Bombay-Madras Express and Mail trains as a security measure;

(b) if so, whether the facts stated are correct;

(c) whether it is proposed to cancel the above trains as a security measure and if so, for what period;

(d) whether it is proposed to run through trains from Bombay to Madras by any alternative routes and if so, by what route; and

(e) whether there was any loss of life or property in the incident reported in the newspaper and if so, what?

The Honourable Dr. John Matthai: (a) Yes.

(b) Not on substantial points.

(c) No.

(d) Does not arise.

(e) Not that the Government is aware of.

SALE OF PONTOONS TO A PRIVATE FIRM BY DIRECTOR OF DISPOSALS

933. *Shri Biswanath Das: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether an indent for pontoons was placed at the Disposals Office on the 28th January, 1948 by an Engineer of the Works, Mines and Power Department, who is in charge of the Hirakud Dam after due inspection of the stock at Panagarah;

(b) whether the said officer was told at Panagarah that the pontoons were already sold to Messrs. Murarka and Company of Calcutta but were lying at the Depot without delivery;

(c) whether under conditions of sale, such sold articles could be withheld and whether the said Engineer requested the withholding of the said pontoons;

(d) whether the Director of Disposals refused to comply with the request of the said Engineer of the Works, Mines and Power Department;

(e) whether Government are aware that the said firm, on being approached by the said Engineer, demanded fifteen times the purchase price from the Disposals;

(f) whether the pontoons have been removed by the said firm from the Government Depot and if so, when: and

(g) what action Government propose to take in the matter?

The Honourable Dr. Syama Prasad Mookerjee: (a) Yes.

(b) I have no information as to what the indentor was told by the officer in charge of the depot. The pontoons lying in the depot had been sold to a firm known as Combined Industries, Delhi and not to Murarka and Company, Calcutta and were awaiting removal by the purchasers. I do not know if Murarka and Combined Industries were one and the same firm or what the status of Murarka and Company, was in this transaction. The availability of the pontoons was circulated to Priority Indentors including the Ministry of Works, Mines and Power, and demands received from priority indentors were satisfied, including a demand from the Central Waterways Irrigation and Navigation Commission, an Organization of the Ministry of Works, Mines and Power. The balance of stocks left after satisfying these demands was then sold to private parties after advertisement.

(c) The Ministry of Works, Mines and Power did ask for release of the stores to them. But under the terms of sale, the Director-General of Disposals could not cancel the sale or withhold delivery, unless the purchaser had wilfully defaulted in taking delivery. In this case the purchaser had been prevented from taking delivery due to shortage of railway transport, a circumstance beyond his control, and had asked for an extension of time.

(d) Yes, for reasons already stated.

(e) I have no information.

(f) Yes; removal was completed on the 12th July, 1948.

(g) The question does not arise.

REPORT OF DISPOSALS UTILISATION COMMITTEE *RE* MACHINE TOOLS

934. *Prof. K. T. Shah: (a) Will the Honourable Minister of Industry and Supply be pleased to refer to the report of the Disposals Utilisation Committee, particularly to the section that deals with Machine Tools of various types and grades available in the country and state how many of these have been disposed of, in what way, on what terms, and to what enterprises?

(b) What is the amount already realised by Government from the disposal of the surplus stores of various types and grades, and how much is expected to be realised hereafter?

(c) In view of the availability of such stores in the country, do Government propose to order any of these types or grades for use in public departments, or for private industry?

(d) Has there been any revision of Government's Import control policy in this behalf as regards private imports?

(e) What is the estimated value of the surplus stores and equipment taken over by Government and now intended to be disposed of?

The Honourable Dr. Syama Prasad Mookerjee: (a) There are at present 2436 machine tools available in Disposals.

The demand received from Priority Indentors such as Central Government Departments, Provincial and State Governments, Educational and Scientific Institutions, public bodies and public utility service is larger than the supply. Government have, therefore, set up a Panel of Technical Officers to scrutinise demands and to allocate machine tools after considering the importance and the urgency of the requirements and the suitability of the machine tools available for the purpose for which they are needed.

The Panel has allocated 340 machine tools to various Priority Indentors and will be considering other allocations. These allocations are by way of outright transfer at prices based on book value, depreciation and current market prices.

About 700 machine tools suitable for small scale industries have been reserved for the Rehabilitation and Development Board for sale to individual refugees for assisting their rehabilitation. The Board has called for applications from refugees.

Machine tools received from German Reparation sources have not been allocated yet.

(b) The amount realised by Government by the sale of surplus stores of all kinds (British, Indian and American) so far is Rupees 140 crores.

It is difficult to forecast the price which may be realised hereafter. Further surpluses may be declared or surpluses already declared may be withdrawn by the Defence Services.

(c) I presume the honourable member means to ask if we shall continue to import machine tools. As I have already said, the demand even from Priority Indentors is in excess of available stocks. There can, therefore, be no question of the stoppage of imports.

(d) I have already answered this under (c).

(e) Surplus stores Rs. 475 crores.

Salvage 8 lakh tons.

Proposed increase in Railway Freight Rates

935. ***Shri Moturi Satyanarayana:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that Government intend to increase the railway freight rates with effect from the 1st September, 1948?

(b) If so, what is the extent of such increase?

(c) Has the proposed increase been placed before the Standing Finance Committee for Railways and its approval obtained?

(d) Have they invited public opinion from Chambers of Commerce and other industries concerned regarding the effect of the present proposal?

(e) Do Government propose to consider the advisability of postponing the increase till after public opinion has been ascertained and the effect of the increase has been more carefully studied?

(f) Do Government propose to give special concessional freight rates for movement of manure, fertilisers and food articles?

(g) Do Government propose to show any concession in favour of movement of raw materials for industries?

The Honourable Dr. John Matthai: (a) While it is correct that Railway freight rates are to be increased, this will be with effect from the 1st October 1948 and not 1st September, 1948. The increases, however, result mainly out of the revision of the rates structure, which has now been completed, and will be introduced in the finally approved form, from 1st October, 1948. The revised scales of rates for coal, coke and patent fuel, has been introduced from 1st September, 1948.

(b) The increases cover nearly all varieties of commodities to a lesser or greater degree. These increases are part of the general scheme for the standardisation of 'class' and wagon load rates, on a telescopic basis, and applying on continuous mileage. The revision of the rates structure was taken up about three years ago and was brought into force in stages: the first on 1st January, 1948, the second on 15th April, 1948 and the final changes are being made from 1st October, 1948.

(c) No. These changes, as stated, are all part of the general revision and simplification of the rates structure, a matter several times referred to on the floor of the House.

(d) No. As generally speaking, increases are involved, in the level of rates for the different commodities mainly for the purpose of increasing revenue it was not considered that any useful purpose would be served by such consultations. After the setting up of the Railway Rates Tribunal, the trade can place any complaint of unreasonableness of rates before this Tribunal, who will be the final judge as to what rate should apply, having regard to the relevant circumstances.

(e) No. The revision of the rates structure along rational and simplified lines, has for long been demanded by the public. This revision was a task of considerable magnitude, taking over three years to complete. The process adopted in formulating the new scales was largely that of assimilation, but in the present state of railway finances and having regard also to the increased costs of operation and higher price levels, the increases effected could not be avoided. As mentioned in the reply to part (d) of the question it will be open to any member of the public to challenge the reasonableness of any rate before the Railway Rates Tribunal.

(f) The Railways have always granted special station-to-station rates where conditions so justify and there will be no change in this policy.

(g) The rates for raw materials for industries have been standardised and constitute the second lowest scale in the new structure, the lowest being for natural manures and oilcake. In addition, large numbers of reduced station-to-station rates are in force at a level below the new standard scale and such others will be quoted by individual railways, as circumstances demand. Government and the railways are fully alive to the need for stimulating the expansion of industry and reasonable rates will be quoted at all times.

CEREALS POSITION

936. *Babu Ramnarayan Singh: Will the Honourable Minister of Food be pleased to state:

(a) the approximate amount of cereals required as articles of food in the country in 1947;

(b) the approximate amount of cereals produced in the country in 1947;

(c) the quantity of articles of food imported from other countries and the amount paid as cost of the same in 1947;

(d) the quantity of wheat, rice and other cereals purchased from the people in the country by means of levy or otherwise and the money paid as price for the same;

(e) the allotment of cereals to rationed and non-rationed areas;

(f) the number of people who daily received rations in the rationed areas and the quantity of cereals allowed per head as ration; and

(g) the reasons against the removal of ban on inter-provincial movements of cereals in the country?

The Honourable Shri Jairamdas Doulatram: (a) On the basis of the nutritional standard of 1 lb. per adult per day the annual requirement of foodgrains for our people would approximate 480 lakh tons. On the basis of 1 lb. per adult per day for the producers and heavy manual workers and 12 oz. per adult per day for the others the annual requirement would be about 450 lakh tons.

(b) Provincial and State figures based partly on eye estimates show an approximate production of 420 lakh tons. The whole of the production is not available for consumption as allowance has to be made for seed and usual wastage.

(c) 23.3 lakh tons for which Rs. 93.8 crores were paid.

(d) Forty lakh tons for which roughly Rs. 107 crores were paid to the producer.

(e) The whole quantity was distributed through ration shops in fully rationed areas or Government controlled shops in areas which were partially rationed.

(f) About 100 millions.

(g) One reason why the ban on inter-Provincial movement of foodgrains cannot be lifted is the difficulty of transport. Experience has shown that unless movement is free and easy, removal of movement bans does not ensure movement to high priced areas in quantities sufficient to lower the price substantially while the traders in surplus areas are encouraged by the prospect of receiving higher prices in the deficit areas to buy and hoard. The net result of removing the provincial barriers, therefore, is likely to be a rise in prices in the surplus areas quite disproportionate to such reduction as may take place in the prices in the deficit areas. Also, it has been our policy that Governments should procure grain for distribution through Government-controlled channels. Procurement at reasonable prices would have been impossible, if there were no ban on movement of grain from surplus areas. For instance the surpluses which are being obtained from C. P. and Orissa would have disappeared into the market if there were no ban of export from those Provinces.

DISPOSAL OF MACHINERY OBTAINED AS WAR REPARATIONS FROM GERMANY

937. *Shri S. V. Krishnamurthy Rao: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the number of machines or machinery parts that India got from Germany as war reparations;

(b) how long it is since they arrived in India;

(c) whether it is a fact that they are lying exposed to wind and rain in Bombay and Madras harbours;

(d) whether it is a fact that they do not form a single unit of any particular industry;

(e) why they are kept so long without being disposed of; and

(f) whether Government propose to dispose them of early to avoid depreciation and if so, when?

The Honourable Dr. Syama Prasad Mookerjee: (a) 7064 items of machinery were allocated to India upto 31st May, 1948. This figure is exclusive of the items originally allocated to undivided India but subsequently earmarked for Pakistan by the Partition Council.

(b) The machines have been arriving from May 1947.

(c) The bulk of the machines are stored in covered godowns; the few stored outside for want of roofed accommodation, are properly covered with tarpaulins.

(d) Yes, All the allocations comprise general purposes machine tools.

(e) and (f). It has been suggested that, as far as possible, these machine tools should be utilised for setting up factories for the manufacture of machine tools, aero-engines, etc., so as to make the best possible use of them. Meanwhile, certain urgent requirements, *e.g.*, of the Railways are being met. Any balance finally left over will be sold to private parties.

REPORT IN H*Hitavada re* CENTRAL PROVINCES ALUMINIUM PROJECT

937-A. *Shri M. Tirumala Rao: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether the attention of Government has been drawn to a report published in the *Hitavada*, Nagpur, on 18th August 1948 of an interview with Sir J. C. Ghosh, Director-General of Industry and Supply, on the Central Provinces Aluminium Project;

(b) whether it is a fact that Sir J. C. Ghosh is a Director representing the Government of India both on the Aluminium Project of Central Provinces and the Industrial Finance Corporation sponsored by the Government of India;

(c) whether it is a fact that Sir J. C. Ghosh was deputed by the Industrial Finance Corporation to examine and report on the finances of the Aluminium Project; if not, in what capacity he proceeded to Nagpur; and

(d) whether Government approve of the interview in question as coming within the normal duties of a Government Director, especially the report that he (Sir J. C. Ghosh) has recommended to the Industrial Finance Coporation for financial assistance to the extent of fifty lakhs?

The Honourable Dr. Syama Prasad Mookerjee: (a) Yes.

(b) Yes.

(c) Dr. J. C. Ghosh was not deputed by the Industrial Finance Corporation to report on the C. P. Aluminium Co. He went to Nagpur in his capacity as Government Director on the Aluminium Co. and on the invitation of the Honourable Minister of Industries and Finance, Government of C. P. and Berar.

(d) Sir J. C. Ghosh had private discussions with Ministers, officials and others, but he did not make any public statement nor did he give any interview to the Press.

UNION OF EXTRA-DEPARTMENTAL OFFICIALS OF POSTAL DEPARTMENT, MADRAS CIRCLE

13. Shri P. Kunhiraman: (a) Will the Honourable Minister of Communications be pleased to state whether Government have received any application from the Secretary of the Union of the Extra-Departmental officials of the Postal Department, Madras Circle, for the recognition of the Union?

(b) If so, when and with what result?

(c) If recognition was refused what are the reasons for the refusal?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes.

(b) The application was received on the 25th July, 1947. Recognition was refused.

(c) The attention of the honourable member is invited to the reply given to Starred Question No. 919 on the 4th September, 1948.

CENSUS OF CATTLE AND CAUSES OF EPIDEMICS.

14. Prof. N. G. Ranga: Will the Honourable Minister of Agriculture be pleased to state:

(a) whether any census of cattle wealth in India has been taken since the 15th August, 1947; if so, with what result;

(b) the causes of cattle epidemics that have affected each province since 15th August, 1947;

(c) what steps have been taken to prevent these epidemics, and with what results; and

(d) the arrangements made for the training of students in Veterinary Science, in the Province of Delhi and other Centrally Administered Areas; and if no arrangements have been made in the past, the reasons therefor?

The Honourable Shri Jairamdas Doulatram: (a) No. Census of Livestock in India is taken quinquennially; the next falls due in 1950.

(b) The more common epidemics such as rinderpest, haemorrhagic septicaemia, black-quarter and foot and mouth diseases occurred in all the provinces after 15th August 1947. The causes of these epidemics were the pathogenic bacteria or virus specific to the disease, the spread of which was helped by uncontrolled livestock movement and the general low condition of animals.

(c) Normally the control of all epidemics is the responsibility of Provincial Governments who use specific sera and vaccines for the purpose. In the case of East Punjab, due to dislocation, no rinderpest vaccine was locally available and therefore 64,000 doses of vaccine and 20,000 doses of anti-rinderpest serum were supplied to the Provincial Government by the Government of India. Better nutrition for the Cattle would also help to reduce the incidence of the diseases.

(d) The position is that so far, the Government of India have received requests from no other Centrally Administered Area than Ajmer-Merwara to make arrangements for the training of their students in Veterinary Science. The latter have been given every help asked for by them in this connection namely:—(i) Sanctioning stipends for the students, and (ii) Arranging their admission into Veterinary Colleges run by other Provincial Governments, etc.

What a view however to end the dependence of the Centrally Administered Areas on other Provincial Governments for their requirements as regards veterinary education, it is poposed to start a Central Animal Husbandary College which will also meet the requirements of such of the Provincial Governments as do not possess the necessary facilities.

SHORT NOTICE QUESTIONS AND ANSWERS

FORCED LANDING OF AIRCRAFT AT AMBALA

Mr. R. K. Sidhva: (a) Will the Honourable Minister of Communications be pleased to state whether Government are aware that an aircraft which left Willingdon aerodrome, New Delhi in the afternoon of the 31st August, 1948 had to do forced-landing at Ambala due to shortage of fuel, causing death of the crew and the destruction of all goods?

(b) If so, who is responsible for not filling in all the petrol tanks before the plane took off?

(c) Did the pilot examine the gauge of tanks before taking off?

(d) What action have Government taken or propose to take in the matter?

The Honourable Mr. Rafi Ahmad Kidwai: (a) There was a forced landing by an aircraft of Dalmia Jain Airways near Ambala on the afternoon of the 31st August, but none of the crew sustained injuries. There was only slight damage to the aircraft. It is not yet known whether the forced landing was due to shortage of fuel. The cause of the accident is under investigation.

(b) This will be looked into as part of the investigation.

(c) Yes.

(d) Any action to be taken by Government will depend on the results of the investigation which is now in hand.

Mr. R. K. Sidhva: May I know what was the wireless message that was conveyed by the pilot in this regard?

The Honourable Mr. Rafi Ahmad Kidwai: A message was received from the aircraft saying that the Captain of the aircraft suspected shortage of petrol on board the aircraft and that at 15-50 hours the flight was being diverted to Ambala.

Mr. R. K. Sidhva: May I know who was responsible for not filling all the reserve tanks also before the plane took off?

The Honourable Mr. Rafi Ahmad Kidwai: But who said that the tanks were not filled up?

Mr. R. K. Sidhva: I want to know whether the tanks were filled up.

The Honourable Mr. Rafi Ahmad Kidwai: 330 gallons of petrol were put in.

Mr. R. K. Sidhva: May I know the quantity of the petrol required in all the tanks?

The Honourable Mr. Rafi Ahmad Kidwai: It would have sufficed to have taken them to Srinagar.

Mr. R. K. Sidhva: The reserve tank is meant for an emergency. Was the reserve tank filled?

The Honourable Mr. Rafi Ahmad Kidwai: I require notice of that.

Mr. R. K. Sidhva: When the gauge . . . . .

Mr. Speaker: He wants to know the cause of the shortage of fuel.

The Honourable Mr. Rafi Ahmad Kidwai: They had 330 gallons of petrol. There was no shortage. The report says that there was a shortage. Therefore it is being inquired into and as soon as that is completed, the other matters will be looked into.

Mr. R. K. Sidhva: I was not given information about the total quantity of the petrol.

Mr. Speaker: He wants notice.

Mr. R. K. Sidhva: May I know that when the pilot examined the guage of the petrol, did he find it working satisfactorily?

The Honourable Mr. Rafi Ahmad Kidwai: Yes. That is the report.

Mr. R. K. Sidhva: Is it not a fact that though the gauge indicated that there was petrol, in fact there was no petrol?

The Honourable Mr. Rafi Ahmad Kidwai: That is what is being inquired into—whether the pilot's measure was correct or not.

Shri H. V. Kamath: Before any plane takes off, Sir, who are the various officers responsible for checking up everything and giving an O.K. certificate?

The Honourable Mr. Rafi Ahmad Kidwai: I think I have explained before that once in 24 hours an officer of the aerodrome gives a certificate that it is air worthy. Otherwise the responsibility is on the company.

Shri H. V. Kamath: Is there no checking before the plane actually takes off?

The Honourable Mr. Rafi Ahmad Kidwai: No.

Shri H. V. Kamath: Why not?

The Honourable Mr. Rafi Ahmad Kidwai: Because that is not under the rules.

Shri H. V. Kamath: Will Government see that such rules are made and enforced?

The Honourable Mr. Rafi Ahmad Kidwai: If it is considered necessary, it will be introduced. I do not know the technique. I cannot therefore promise anything.

Shri H. V. Kamath: Is it not necessary to save people's lives?

The Honourable Mr. Rafi Ahmad Kidwai: I think the crew are very particular of their own lives!

REMOVAL OF REFUGEES STALLS FROM CHANDNI CHOWK, DELHI

Shri Deshbandhu Gupta: Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a decision was taken in two meetings of local officials held under the presidentship of the Chief Commissioner, Delhi on 18th and 26th August, 1948 that the refugee stall-holders should be removed from Chandni Chowk to Lajpat Rai Market and such of them as could not be accommodated there should be permitted to put up temporary stalls in Parade Ground;

(b) whether it is a fact that the suggestion that some of them should be accommodated in the Queens Garden was discussed in these meetings and ruled out;

(c) whether it is a fact that in obedience to the orders of the Chief Commissioner the refugee stall-holders started shifting peacefully to Lajpat Rai Market and Parade Ground on 28th August 1948;

(d) whether it is a fact that objection was taken to their occupying the Parade Ground by a military officer in utter disregard of the orders of the Chief Commissioner;

(e) whether it is a fact that the District Magistrate allowed these refugee stall-holders to occupy part of the Queens Garden and although no previous reference was made to the Chief Commissioner, the Municipal authorities were told by a responsible local official that this action was being taken with the concurrence of the Chief Commissioner;

(f) whether it is a fact that the Chief Commissioner told Dr. Yudhvir Singh, President of the Delhi Municipality, that he had never permitted the use of the Queens Garden for the purpose and issued orders for their removal again to the Parade Ground which is being resisted by the refugee stall-holders and has already resulted in hostile demonstrations against Government and arrest of a large number of the refugees;

(g) whether the attention of Government has been drawn in this connection to the statements made by Dr. Yudhvir Singh, President of the Delhi Municipality and the President of the Central Pursharthi Beopar Mandal published in the *Hindustan Times* dated 3rd September, 1948 and the Press comments made by local papers;

(h) if so, how far are the accusations made therein correct and what steps Government propose to take to stop such lack of co-ordination amongst the local authorities in future; and

(i) whether Government have assured the refugee stall-holders that they will not be removed from Parade Ground until some alternative arrangement is made to accommodate them suitably?

The Honourable Sardar Vallabhbhai Patel: (a) Yes, but the discussions had been going on for some weeks before the dates mentioned by the honourable member, and it was decided even as long ago as 7th July that non-ticket holders should be accommodated in the stalls behind the Esplanade Road on the Parade Ground. Also, the decision reached on the 18th and 26th August was to the effect that hawkers holding identity cards should be accommodated in the Lajpatrai Market and non-ticket holders in the stalls in the Parade Ground.

(b) Yes.

(c) Yes.

(d) A junior Military Officer, who was unaware of the Chief Commissioner's orders expressed his inability to permit this temporary occupation within 500 yards of the Red Fort in the absence of orders from G.O.C. Delhi Area.

(e) After the Military Officer took objection to the occupation of the Parade Ground by refugee stall holders, some members of the Purusharti Beopar Mandal approached the District Magistrate, and the latter thereupon allowed the refugees to shift to Queen's Gardens temporarily, until the difficulty was cleared. The District Magistrate specified in his orders that intimation of the change should be sent to the Chief Commissioner, but this could not be done in time.

The subordinate officers assumed that this had been done and on that assumption informed the Municipal Staff and the President of the Municipality that the Chief Commissioner had agreed in the course adopted.

(f) Yes, but it is clear that the resistance now being offered to removal from Queen's Garden is due not to the slight confusion that subsisted only for a very short duration, but to a planned agitation sponsored by other interested parties. I might add that some vested interests had already been created by some persons unauthorisably selling the stalls in Queen's Gardens at a premium. I should also like to make it clear that the responsibility for eviction lies primarily on the local bodies, and the Local Administration come in only when Police aid is required.

(g) I have seen the statements referred to, but I am sure honourable members will concede that within the short time available, I am unable to familiarise myself with all Press comments on the subject

(h) I would not like to adjudicate between the conflicting versions given, but as far as my information goes, the main facts are as follows:

There was peaceful occupation of the stalls on the Parade Ground on the 28th August. Under the instructions of the District Magistrate, there was a similar peaceful removal to the Queen's Garden the same night. This removal was quite clearly intended for a short duration until the difficulties in the way of occupation of the Parade Ground stalls had been cleared. Despite this fact, the Queen's Garden sites were allocated to refugees by interested parties and advance for the allotment were recovered by them. On the 29th the difficulty regarding the occupation of the Parade Ground sites was removed. The hawkers were, therefore, given time to occupy those stalls by the evening of the 30th. On the 30th afternoon, a deputation of hawkers waited on the Chief Commissioner. It asked for an extension of time, at the same time expressing a preference for the Queen's Garden site. They were told that the latter request could not be entertained, that the move must take place by the 31st evening and that, if necessary, they would be provided with free transport for the move. It was at this stage that resistance started on the 31st August, and Police had to intervene and some arrests were made.

There is no foundation for the charge of lack of co-ordination, and the slight confusion which caused no appreciable inconvenience to anybody was occasioned by a genuine desire temporarily to accommodate the refugees in accordance with their own wishes.

I should like to appeal to all concerned to allow the local authorities to deal, or to co-operate with them in dealing, with the difficult problem of refugees in the best manner possible. Interference from outside merely accentuates difficulties to the detriment of the interests of the refugees themselves

(i) Yes.

Shri Deshbandhu Gupta: May I know whether it is not a fact that the junior military officer who took exception to the occupation of the parade ground was no other person than the Secretary of the Notified Area Committee itself, who was a party to the resolution passed by that Committee on the 7th July?

The Honourable Sardar Vallabhbhai Patel: I am unable to say whether it is the same person. I have no knowledge but if it is wanted I can enquire about it.

Shri Deshbandhu Gupta: May I know whether an assurance has been given now to these people that they will not be removed from the Parade Ground unless suitable alternative arrangements are made and whether people are now responding in the right spirit and are shifting to the Parade Ground?

The Honourable Sardar Vallabhbhai Patel: The assurance given to the refugees abides.

Sardar Bhopinder Singh Man: May I know how many times the police resorted to lathi charge to disperse the refugees during the last four days?

The Honourable Sardar Vallabhbhai Patel: As many times as it was found necessary to disperse unruly crowds.

Sardar Bhopinder Singh Man: That does not give me the number of times lathi charge was actually resorted to.

The Honourable Sardar Vallabhbhai Patel: I will consult the Delhi police diary and inform the honourable member as to how many times lathi charge was resorted to. I might tell the honourable member that it is not to the advantage of the public nor to the advantage of the refugees to take up a cause without ascertaining fully the facts, for it creates difficulties not only for the administration but for the public at large also.

Sardar Bhopinder Singh Man: What is the number of people actually arrested so far?

The Honourable Sardar Vallabhbhai Patel: I have given the number already in my answer. It is about 75 or so. But as soon as the refugees go to their stalls they will all be released. But if outsiders, as the honourable member is aware, come from such 'near' places as Amritsar and East Punjab and offer their services to create trouble in Delhi they must remember that Delhi is not going to be their ground and we shall see that no further disturbance takes place in Delhi city.

Sardar Bhopinder Singh Man: How many outsiders out of those arrested people are people coming from Amritsar or East Punjab?

The Honourable Sardar Vallabhbhai Patel: As soon as they have their hand in it they will be arrested. You must have seen a statement in the press that Master Tara Singh has offered his services as also Sardar Mohan Singh. I welcome all those people who want to make trouble to come here. No such disturbance will be allowed in Delhi.

Shri Deshbandhu Gupta: May I know whether Government have considered the desirability of erecting another market in Parade Ground like the one erected in the People's Park named Lajpat Rai market, so that this trouble will be over for all time.

The Honourable Sardar Vallabhbhai Patel: That is not our business: it is the business of the Municipality. I believe they are thinking of putting up stalls.

Shri Mahavir Tyagi: So long as they are not given any alternative accommodation, will these refugees be permitted to put up stalls in the Parade Ground?

The Honourable Sardar Vallabhbhai Patel: These arrangements were made in agreement with the refugee hawkers themselves and they all agreed to them. The arrangement is there but they want to stay in the Queens Garden because certain interested people have taken money and given them stalls in the Queens Garden. These interested people have told them that this place was far better than the other place and have asked them not to go there.

Shri Mahavir Tyagi: My question was whether the refugees. . . . . .

The Honourable Sardar Vallabhbhai Patel: I have already said that the Parade Ground arrangement is there and they will be allowed to stay there.

Prof. Shibban Lal Saksena: Have the Government any scheme to settle these people permanently in some place?

Mr. Speaker: That is part of the larger question of the rehabilitation of the refugees.

Shri Mihir Lal Chattopadhyay: May I know whether the assistance of the Congress organisation in Delhi was sought by the Government and if so, was it helpful in this matter?

The Honourable Sardar Vallabhbhai Patel: The Government sought nobody's assistance: it is powerful enough to deal with the situation.

Saturday
4th September, 1948

THE

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Official Repotr

Volume VII, 1948

(1st September to 7th September, 1948)

THIRD SESSION

OF THE

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

1948

Parliament Library

CONTENTS

Volume VII—1st September to 7th September, 1948.

WEDNESDAY, 1ST SEPTEMBER, 1948—

	Pages
Motion for Adjournment	819
Election to Standing Committee for Ministry of Commerce	819
Indian Income-tax (Amendment) Bill—Passed	819—21
Territorial Army Bill—Passed as amended	821—62
Indian Navy (Discipline) Amendment Bill—Passed	863—65
Exchange of Prisoners Bill — Discussion on motion to consider — not concluded	865—67

THURSDAY, 2ND SEPTEMBER, 1948 —

Statement of Business	869—72
Election to Standing Committee for Ministry of Relief and Rehabilitation	872
Elections to—	
Standing Committee for Ministry of Works, Mines and Power	873
Standing Committee for Roads	873
Patents (Extension of Term) Bill—Introduced	873
Resettlement of Displaced Persons (Land Acquisition) Bill—Introduced	873
Exchange of Prisoners Bill—Passed as amended	873—94
Reserve Bank (Transfer to Public Ownership) Bill—Motion to consider—adopted	895—916

FRIDAY, 3RD SEPTEMBER, 1948 —

Motion for Adjournment	917
Election of Deputy Speaker	917—18
Request for allotment of time for Debate on Hyderabad and Kashmir	919—20
Committee to examine Rules of Procedure and Conduct of Business of the House	919
Presentation of Replica of Ashoka Pillar	919—20
Statement re Inflationary Situation	921
Papers laid on the Table —	
Instrument of Accession signed by Siems of the Khasi Hill States	921—23
Regulations of Industrial Finance Corporation of India	923—35
Elections to—	
Standing Committee for Ministry of States	936
Central Advisory Board of Archaeology	936
Central Advisory Board of Education	936
Court of University of Delhi	937
Standing Committee for Ministry of Commerce	937
Standing Committee for Ministry of Relief and Rehabilitation	937
Resolution re measures to check rising prices of necessary commodities—withdrawn	938—74
Reserve Bank (Transfer to Public Ownership) Bill—Passed as amended	974—91
Indian Cotton Cess (Amendment) Bill—Passed	991—99

SATURDAY, 4TH SEPTEMBER, 1948—

Motion for Adjournment	1001
Elections to —	
Indian Central Coconut Committee	1001
Standing Committee for Ministry of States	1001
Central Advisory Board of Archaeology	1001
Central Advisory Board of Education	1001
Court of University of Delhi	1001
Statement of Business	1002
Chartered Accountants Bill—Introduced	1002
Essential Supplies (Temporary Powers) (Amendment) Bill— Passed as amended	1003—37
Indian Railways (Second Amendment) Bill—Passed as amended	1037—51
Resettlement of Displaced Persons (Land Acquisition) Bill—Discussion on motion to consider—not concluded	1051—54

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 4th September, 1948

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(*See* Part I)

11-05 A. M.

MOTION FOR ADJOURNMENT

Mr. Speaker: I have received notice of an adjournment motion from Sardar Bhopinder Singh Man. I do not know whether copies of the motion have been handed to the Honourable Minister concerned. The honourable member Sardar Bhopinder Singh Man handed over to my Private Secretary, at about 10-30 A.M. notice of an adjournment motion. Has the honourable member given notice of this to the other parties concerned?

Sardar Bhopinder Singh Man (East Punjab: Sikh): One copy was given to the Secretary and the other copy to the Relief and Rehabilitation Minister simultaneously as it was given to you, Sir.

The Honourable Shri Mohan Lal Saksena (Minister of State for Relief and Rehabilitation): I have not received any copy so far.

Mr. Speaker: The honourable member refers to *lathi* charges and several other things and I do not know how they relate to the Relief and Rehabilitation Ministry. They are matters within the purview of the Honourable the Home Minister. In the circumstances, I do not think that this motion can be moved. Even otherwise the motion is inadmissible but I need not go into the merits of it nor read it to the House.

ELECTIONS TO INDIAN CENTRAL COCONUT COMMITTEE, STANDING COMMITTEE FOR MINISTRY OF STATES, CENTRAL ADVISORY BOARD OF ARCHAEOLOGY, CENTRAL ADVISORY BOARD OF EDUCATION AND COURT OF UNIVERSITY OF DELHI

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the Indian Central Coconut Committee, the Standing Committee for the Ministry of States, Central Advisory Board of Archaeology, Central Advisory Board of Education and the Court of the University of Delhi, two nominations in the case of the first and one nomination in the case of each of the remaining Committees were received. Subsequently one member withdrew his candidature in the case of the first. As the number of candidates is thus equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:

Indian Central Coconut Committee.—Shri A. K. Menon.

Standing Committee for Ministry of States.—Shri V. S. Sarwate.

Central Advisory Board of Archaeology.—Shri Satish Chandra.

Central Advisory Board of Education.—Dr. Raghu Vira.

Court of University of Delhi.—Pandit Govind Malaviya.

STATEMENT OF BUSINESS

The Honourable Pandit Jawaharlal Nehru (Prime Minister and Leader of the House): Sir, two days ago I drew your attention and the attention of the House to the state of business and to the difficulty of getting through some important legislation in case the House met at the usual time and the session is adjourned today. You were pleased then to say that after the first day's experience of the progress of business the matter might be considered and further that the House might sit yesterday and today till a later hour in the afternoon. The House did sit till a later hour yesterday. We had some experience of what has been got through, and I am afraid the progress has not been as rapid as it might have been and quite a good deal of legislation has still to be considered. Now, I do not think it right to make the House rush through important legislation, nor do I think it would be desirable to postpone something that we consider fairly urgent. So some of us—members of Government and members of the House—have been in consultation over this matter, and we felt that it will perhaps be desirable to prolong the session up to Tuesday next—that is, two extra days after Sunday—to allow this legislation to be got through and not to be rushed through or perhaps delayed till the next session. So I would suggest to you, Sir, if you and the House agree, that the session might be prolonged for another two days, that is Monday and Tuesday. In that event of course—if that is agreed—it would not be necessary for the House to meet beyond 5 P.M. today.

Mr. Speaker: I am gladly agreeable to the proposal. As I personally said the other day, I did not like legislation to be rushed through, and honourable members should have enough time. But that does not mean that we should take more than reasonable time to discuss legislation. So the House will continue to sit on Monday and Tuesday, and we will not be sitting today beyond 5 o'clock.

Shri H. V. Kamath (C.P. and Berar: General): We have lost the Question Hour in the bargain.

Mr. Speaker: Yes. But we have perhaps gained at least one day because otherwise a sitting on Wednesday might have been necessary.

Shri B. Das (Orissa: General): There was some Committee called on the 6th, and most of us have made our arrangements to go away after that. I hope the Government will not ask the House to sit after Tuesday, so that we can finish our Committee work on Wednesday and go away to our places.

Mr. Speaker: What the Honourable the Leader of the House has requested does imply that. But his request and his expectations have to be implemented by the House when they discuss the business before them in the House.

Shri B. Das: Yesterday we had to rush like anything.

Mr. Speaker: Now there is no ground for rushing.

CHARTERED ACCOUNTANTS BILL

The Honourable Shri K. C. Neogy (Minister for Finance and Commerce): Sir, I move for leave to introduce a Bill to make provision for the regulation of the profession of accountants.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to make provision for the regulation of the profession of Accountants."

The motion was adopted.

The Honourable Shri K. C. Neogy: Sir, I introduce the Bill.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) (AMENDMENT) BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister for Industry and Supply): Sir, I beg to move:

"That the Bill to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

This is a short Bill, but it deals with a question of principle of considerable importance. The House may recall that a few days ago I announced while discussing the textile policy of Government that it was the intention of Government to bring forward an amending Bill to amend the provisions of the Essential Supplies Act, 1946 to provide for a different form of compulsory punishment with regard to all offences relating to violation of textile control orders. The present Act provides that if any person contravenes any order under the Act he will be punished with imprisonment for a term which may extend to three years, or with fine, or with both, and if that order so provides, the court trying such contravention may direct that any property, in respect of which the court is satisfied that the order has been contravened, shall be forfeited to Government. There is a proviso that with regard to any contravention of an offence relating to foodstuffs the court shall, unless it records its reasons in writing to the contrary, direct that the whole or part of such foodstuffs be confiscated. With regard to textiles there was no specific provision except the general provision that it was left to the discretion of the court either to award sentence of a term of imprisonment or to order fine. The amendment which has now been proposed lays down that in case of any contravention of an order relating to cotton textiles, where the offence is proved, it will be obligatory on the part of the court to award sentence for imprisonment for a term which may extend to three years, and it may in addition impose a sentence of fine; and further that the confiscation will be compulsory. There have been many cases in the past where, although cases were proved, either some fine was imposed or forfeiture also was imposed to a limited extent. It is not my purpose to suggest that by merely tightening the provision for punishment we are going to secure a complete change in the present state of affairs. But it does indicate a change in the policy which Government would like to see pursued. It secures considerable psychological change. Government desires that all cases of contravention of textile control orders will be taken serious notice of, and it will not be open to any offender to go away merely by paying some fine, but imprisonment and confiscation of the property in question will be a compulsory part of the punishment.

It is not the intention of Government to modify the present provisions with regard to other commodities—for instance, foodstuffs, paper, petroleum and other commodities. That portion has not yet been considered by Government. The only amendment which I am now bringing before the House for its approval relates to cotton textiles only. There have been some amendments proposed with regard to foodstuffs. I would suggest to the honourable members that it will be desirable not to consider those amendments at this stage, because the whole object of the Bill is to secure amendments of the order regarding textile control to fit in with the new textile policy. With regard to foodstuffs, or other commodities, when the policy of the Government is determined I am sure that the Minister concerned will bring forward necessary amendments to the control order. But that is not the object of Government just now.

With these words, I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, I have heard the Honourable Minister and noted the reasons suggested by him for introducing this amending Bill. In this connection, I would like to invite his attention to the present position. The present law gives sufficient powers to the Courts if they are so minded to inflict the punishment that is provided in the amending Bill. The penalty now provided in the Essential Supplies Control Order is that if any person contravenes any order he shall be punishable with imprisonment for a term which may extend up to three years, or with fine, or with both. Now, the amendment proposed is that where the contravention is of an order relating to cotton textiles, the Court shall sentence any person convicted of such contravention to imprisonment for a term which may extend to three years. The only difference that is intended to be made is that here the law compels the Court to sentence the person to imprisonment and also to direct that the property shall be forfeited. That power was also there if the Court thought fit to give that sentence.

Sir, the Honourable Minister has suggested that this would mean a psychological change of considerable importance. I would invite his attention to the fact that these control orders are not available even in Government Departments; even the Magistrates who try the cases have not got complete information on the orders that are issued from time to time and the rules framed from time to time. This amendment is not confined to cases of blackmarketing or any other malpractice in connection with cotton textiles, but it will cover even such small items as exhibiting certain rates on black-boards or the exhibiting of stocks etc. etc. It also relates to movement of goods and various other minor things connected with the textile business as a whole. If it were confined to cerain specific offences which would be anti-social and which would add to the troubles of the general public, one can understand that the Courts' hands may be strengthened or tied and they may be forced to inflict certain punishment. But, Sir, this order will be applicable to a number of minor, petty acts which in law would amount to a breach of the provisions. Therefore, I would invite the Honourable Minister's attention to consider whether it will not be proper for him to define some of the breaches, some of the definite acts which will come within the category of the present amendment and leave out the minor things which are still governed by the Essential Supplies Order, to be dealt with according to the discretion of the Court. After all, we must presume that the Courts are there to try cases and give the punishment that is deserved in each case—unless we feel that the Magistrates trying the cases are all persons who cannot be trusted; in that case I will be sorry if the Minister takes that view.

Then again, another thing that has got to be seen is that if we are going to tighten the law in this fashion, Government should take steps to familiarize the public with the orders that are issued from time to time. As I said, even lawyers, even the Magistrates trying these cases, even the Department which got to administer these things, have not got complete information on this subject. I am speaking from personal knowledge when I say that a copy of this Essential Supplies Act is not to be found in the Bengal Government Department, it cannot be found with the Magistrate who has to try all cases under this Act in Calcutta. If that is the position in Calcutta you can very well imagine what happens in other places. Therefore, either the Government should make it possible that these orders that are issued from time to time are available at every place, or make them known to people all over the country. Otherwise they should not force the hands of the Magistrates to inflict this kind of punishment in every case, whether the offence is petty or big or of any nature whatsoever.

Mr. R. K. Sidhva (C.P. and Berar: General): Sir, we have to see the background of this Bill before we comment upon it and upon the necessity for Gov-

ernment to have brought it forward. The background is that notwithstanding all the efforts of the Government in the past to check blackmarketing and profiteering, the commercial interests both in industry and elsewhere flouted, and successfully flouted, all the provisions of the Act that is now in force. That is the background which we have to remember when my honourable friend the previous speaker stated that on a petty matter also the Court may inflict a heavy penalty. The object of this Bill is really to inflict such heavy penalty; I think that is in the mind of the Government, and if that is not so I will certainly not support this Bill. For the last four years these interests have in season and out of season flouted the provisions of the Act notwithstanding some cases of deterrent sentences having been passed even under this faulty Act. Sir, I remember that in one instance even after a fine of Rs. 50,000 was inflicted, a repetition of the offence occurred. This is a thing with which we were all upset including the Government and the Government had to state on the floor of the House in the last Session that they cannot check blackmarketing, that they cannot stop this profiteering.

Sir, that is the attitude that has been displayed by our friends, these industrialists who say they are out to co-operate with the Government. On their assurance this House took the responsibility in supporting the Government in de-controlling cloth, which let me tell you I was personally opposed to. When we were told that there was no other alternative to remove the black-marketing and profiteering, we had to support the Bill half-heartedly—not half-heartedly but with great unwillingness on my part and on the part of several of my friends. Sir, what did we find? Between then and the period when Government had to decide to control again, the prices went up abnormally. No doubt some of the cloth came into the market which was not available before. But what good is it to the people and to the average consumer? People say that the prices are now lesser than the prices prevailing in the black market during control days. Is that sound argument? The industrialists should have taken steps to see that the proper prices—not black market prices—but the real control prices prevailed during the interim period. Then we would be able to say that they have been honest in what they told the Government.

Mr. Speaker: Order, order. I find the honourable gentleman is going into the general question about control and people who are responsible for high prices and all that. These have been exhaustively discussed in the course of the debate on yesterday's Resolution.

Dr. P. S. Deshmukh (C. P. and Berar: General): He was not allowed to speak yesterday.

Mr. Speaker: Therefore, this is not an occasion for making that speech now. As I find, it is an agreed proposition that the controls have to be tightened and the only question, so far as the Bill goes, is the quantum of punishment that should be provided for, so that the control can be effectively tightened. Therefore, if we have again to go into general arguments which the honourable member is advancing, I shall be practically throwing open that Resolution now. So I propose to limit the scope of the discussion only to the quantum of sentences and not to the general discussion of control.

Mr. R. K. Sidhva: Sir, of course, I obey your ruling but it was never my intention to speak what I did not speak or wanted to speak yesterday. That was never in my mind.

Prof. N. G. Ranga (Madras: General): He did not say so.

Mr. Speaker: I did not attribute any motive. It was suggested by some other honourable member. I did not say that that was his motive.

I would therefore suggest one thing in this respect. I find a large number of amendments. Instead of having any discussion on the general consideration

[Mr. Speaker]
motion, just as I have suggested in respect of some other Bill, if the scope is to be restricted to the quantum of punishment only the better course would be to adopt the consideration motion, move all the amendments which refer to the various punishments and then have discussion in respect of them. That would limit the discussion and would also avoid repetition of the same discussion again when the amendments are taken up.

Mr. R. K. Sidhva: I have no objection. Whatever procedure you want us to follow, I shall adopt that, but my point is I was only referring to what the previous speaker said about punishment and I was just coming to it and it was a little preliminary remark that I made as to what was the reason why although the punishment was deterrent this Bill was necessary. However, whatever you decide I have to carry out your order.

Mr. Speaker: Therefore, I would suggest, if the honourable members agree, —of course, they are entitled to speak on the general consideration motion and I do not want to stop them—but let that motion be put through and then we shall have the amendments and the honourable member may speak when the appropriate amendment regarding sentences is taken up.

Dr. P. S. Deshmukh: I want to speak particularly on the motion for consideration.

Mr. Speaker: Very well, then. Let Mr. Sidhva finish.

Mr. R. K. Sidhva: Thank you, Sir. I was stating that the Bill now which provides deterrent punishment is perfectly justified. If it is left to me, I would have gone further and stated that not only the property which is under dispute should be confiscated but the entire stock of that dishonest dealer should be confiscated. I have seen from my experience that even this deterrent sentence does not frighten them. They are prepared even to go to jails. I have also seen that they are even prepared to pay some more fine, but they are really afraid to have their goods confiscated. Therefore, merely confiscation of a piece of cloth or a bale of cloth will not help. Whatever the goods, if he has repeated an offence, all those goods must be confiscated *in toto*. Then these people will come to their senses, not otherwise. In England, such a clause is very very strictly enforced. Even ten years imprisonment has been given and in one instance £10,000 has been inflicted as fine by the court and therefore the control has been effective and satisfactory there. But unfortunately, so far as punishment is concerned in this country, I may tell you with due deference to the present Government or the past Government, they were very luke-warm and the result is all this suffering. I am still doubtful about this provision. If you really wish to bring about a satisfactory result and a peaceful atmosphere in the country as far as this control is concerned to the consumers and the public, then why not make up your mind straightaway that we shall not consider the position of A or B or C, but whosoever contravenes this order, whether it be a minor offence as my honourable friend pointed out or anything else, he shall certainly be dealt with very seriously. Then, my honourable friend stated that the Court has no copy of this order, the Court has got no papers. I do not know which Magistrate will conduct a case without any Act before him or any charge sheet before him. He would consider all these matters. He would call for the orders and papers if he has not got them. To say that there are no papers before the Court and therefore it will not be possible to inflict punishment is no argument. Although I have yet some amendments to move making the punishment more deterrent, still as this is an improvement upon the previous Act, I support it.

Shri H. V. Kamath (C.P. and Berar: General): Sir, before I take the Bill itself, I would like to have one point clarified. Did the Honourable Minister state that sub-clause (b) of clause 2 will not be moved in the House today relating to foodstuffs? Is that the position?

The Honourable Dr. Syama Prasad Mookerjee: I did not say that. What I said was that the Government's intention was not to alter the existing provision relating to foodstuffs and we have repeated the existing provision in the revised Section.

Prof. N. G. Ranga: Both are included, you see.

Shri H. V. Kamath: Mr. Speaker, I welcome this Bill so far as it goes, but at the same time, I am constrained to say that it does not go far enough. The Bill, as my honourable friend, the Minister for Industry and Supply made out in his speech, is designed to meet the social menace that arose during the war and has still not been curbed. Perhaps, it will not be far from the truth to say that it is going apace in spite of the fact that the war has come to an end and the conditions that gave rise to it have also ceased to exist. Wars, Sir, invariably lower the ethical and social and moral standards of mankind and it takes a long time for humanity subsequently to achieve a re-valuation of values, to uplift itself or to regenerate itself. The last World War—World War II because of its colossal magnitude and its enormity of destruction and devastation accentuated this process and we are still suffering from the after-effects of this malaise. Unfortunately, Sir, never has any society been free from those unscrupulous people who exploit the hunger of their fellow-men—those. if you will permit me to say, sharks of society who do not shrink from making even death pay a dividend. Death has paid to many of these a very rich dividend. Even the tragedy of the Bengal famine during the last war did not serve to change the hearts of these racketeers, black-marketers, and profiteers, the vile and contemptible traders in misery and death. Laws were passed during the war, but the British Government was in no mood to enforce them, because the ill-gotten gains and tained money of these sharks of society went to fill their war-chest, and so that bribe went on increasing. It is disgraceful to what depth this menace reached during the war. So filthy and foul, so disgraceful were the state of affairs that Pandit Nehru, before he assumed the helm of affairs in our country, soon after his release in July 1945, I believe, in a speech in Bombay, referred to these black-marketers and profiteers in food and cloth and went to the length of saying that they must be hanged from the nearest tree. That was before he became the Prime Minister. But, latterly, Sir, I think, only 3 or 4 months ago—I do not remember exactly whether it was in Gwalior or some other place—he said: "I see this evil all around me, but at the same time I am feeling helpless in the face of this",—hardly a statement or a remark or a pronouncement to be made by the Prime Minister and the Head of a State. To say that he is helpless in the face of these 'gold bugs' is certainly something which I cannot imagine. Why, just a little while ago the Honourable the Home Minister said the Government is powerful enough to suppress or repress or take action against refugees or against those who might try to incite them there. Is not Government powerful enough to put an end to these black-marketers, the hoarders, the anti-social parasites who invest Indian society today? So far, Sir, I believe, there were measures enough, measures galore, but for some reason or other, the laws did not have the desired effect and why? Personally, I think that the causes were four or five-fold. I think, firstly, perhaps the Acts passed by the legislature were not strictly and vigorously enforced and there was some indifference on the part of the authorities who were there to administer the laws promulgated by Government. Secondly, the machinery for the enforcement of the laws was perhaps inadequate. Thirdly, Sir, I say it with considerable hesitation, perhaps there was corruption or collusion between some of the authorities and the trade and industry. Fourthly, there was no co-operation between the traders and Government; they did not want to co-operate and snapped their fingers at the Government; and lastly, Sir, perhaps the fear of punishment was not strong enough in those who dared to break the law. It is said, Sir, that fear

[Shri H. V. Kamath]

of God is the beginning of wisdom, but perhaps many have not got that fear of God and that faith in God enough to make them travel on the right path. So for those, there must be the fear of punishment. The punishment must be deterrent enough to make them stick to or to travel on the right path. Therefore, Sir, I would have liked the Government to go further than they have gone in proposing this measure. The Statement of Objects and Reasons says: "In order to tighten the machinery for the enforcement of the control on cotton textiles . . ." In my view, it is not sufficient, not adequate to merely tighten the machinery. There are other things also to be done and that is, Sir, that corruption must be rooted out. Corruption whether among the people, whether among the traders, whether among the Government Departments or anywhere else, must be rooted out first before you can enforce this measure with any degree of hope as to its success; otherwise, Sir, it would be a dead letter and like some of the Acts adopted by Government, this will also be a dead letter and we shall become a laughing stock of those who take an impish delight in violating the orders of control on food and cloth. My honourable friend, the Honourable Minister may say "Well, how much farther can we go?" We have made the sentence of imprisonment mandatory. I was surprised to hear Shri Prabhudayal Himatsingka say that even at present the courts are sufficiently armed. But, Sir, they are not so armed. Had they been armed, had the measures at present in vogue been sufficient, these black-marketers, these profiteers, these anti-social parasites will not be flourishing at present. As my honourable friend Mr. Sidhva said it was only 'may' and not "shall"; it was only recommendatory; it was not mandatory; I am glad, Sir, that this imprisonment has been made compulsory. The court will have no option but to sentence an offender to imprisonment. But, Sir, even this, I think is not sufficient; it is not enough, because, Sir, somehow or other during the last 20 years, I think due to Mahatma Gandhi's movement and partly to other reasons, the fear of jail does not deter people from committing crimes against society. Of course, the crime in itself will involve moral turpitude or lower them in the estimation of their fellows, but some have gone so far down the scale that mere contempt of their fellow men will not deter them from committing crimes against society, so long as they can feather their nests by hook or crook. Therefore, Sir, I want that the punishment should be more deterrent, so that they will not think of committing such an offence again.

The other day, Sir, in the papers, there was a report to the effect that the C.P. Government was thinking of riding anti-social offenders, especially offenders in regard to cloth and food on the backs of donkeys in the streets of towns in which they were arrested. That perhaps is a very salutary punishment. That might deter some person at least from committing such a crime, but, Sir, there are others more hardened to any sense of shame and therefore, Sir, I would have liked the Government to bring in this punishment of whipping. I suggested, Sir, in the course of a debate in the last session that whipping shall be introduced and it will have the desired effect as against anti-social offenders of this type. I would recall this fact that Kemal Ata Turk, soon after he became the Head of the Turkish State in 1924 or 1925, had a man whipped for spitting in a public square. Only for spitting. We had penalized "spitting" in the Factories Bill, but we had only "fine" there. Kemal Ata Turk in Turkey, he had a man publicly whipped for spitting in a public square. But, Sir, here it might be said by my honourable friend the Minister that it is a barbarous practice; whipping has gone out of fashion.

Dr. P. S. Deshmukh: May I ask if anybody was whipped for speaking at random?

Mr. Speaker: Not physically, but figuratively.

Shri H. V. Kamath: I would ask my honourable friend, Dr. Deshmukh to apply that law to himself. Therefore, Sir, if my honourable friend, the Minister thinks it is a barbarous practice to whip people, I would say, is it not more barbarous to exploit the hunger and misery of their fellow-men? Is it not more barbarous to kill people in cold blood? Is it not more barbarous, Sir, to exploit the misery of millions just in order to feather their own nests and to fill their own coffers? Barbarity is a crime against mankind. If the hoarders and the profiteers are not barbarous then who else can be?

Therefore, Sir, I would earnestly plead with my honourable friend the Honourable Minister that the punishment should be more rigorous, must be more deterrent, so as to make them desist from this kind of anti-social practices. Our own Ex-President of the Congress, Acharya Kripalani in a momentous speech when he resigned the Presidentship of the Congress last December, asked the Government; "where is all your army of C. I. D. and Police gone; here, under the very nose of the Government, in Delhi, there are people who carry on the nefarious trade in black-marketing, and profiteering; what is your army doing; if you are not able to prevent these things in the heart of Delhi, what hope have you got of enforcing this measure in the rest of the country?" We must make up our mind whether we want to put an end to these things or not. If the will is there, certainly action will follow; if the will is not there, any amount of laws that you make, any number of measures that you may pass in this House will have no effect, and will be in vain and all the tears shed here will be a mere waste, and the time spent here will be a sheer waste.

Then, I would like to draw your attention to this advice, the exhortation that Mahatma Gandhi used to make in the early part of his campaign against British rule. He used to say that we are fighting a Satanic Government, the Government of Satan. But, Sir, I find today that Satanic Government has gone, but the rule of the Mammon has come. I am not eager to disparage the Government; I am not anxious to merely criticise the Government. When I see these practices flourishing all over the country, I hang my head in shame. What is the Government doing? I would like to appeal to the Government and tell them not to take my comments amiss, not to take my criticism amiss. I want that all anti-social practices should be put an end to; I want that some action should be taken by the Government. I say all this, not that I love my Government less, not that I love my leaders less, not that I love my Ministers less, but that I love my country more. That is why I want these practices should be put an end to as soon as possible.

The suggestions I want to make are: first of all, the Government must make up their minds that they want to put an end to these crimes and anti-social practices, and the laws made in this House must be strictly and rigourously enforced without fear or favour, against whomsoever it may be. Secondly, the machinery should be tightened and if the machinery is inadequate, it must be made adequate to meet the menace. Thirdly, corruption—however highly placed the man may be—must be put an end to. This is very fundamental. Fourthly, if trade refuses to co-operate, if industry refuses to co-operate, if the retailers or the wholesalers refuse to co-operate, then, Sir, the punishment should be more deterrent. I was also going to suggest that there should be social boycott of these criminals.

Mr. Speaker: I am afraid the honourable gentleman is covering much more than is justified on general grounds. This is not a general speech against what should be done and what should not be done. He has to confine himself to the scope of the Bill. He is merely repeating his own arguments in different words.

Shri H. V. Kamath: I was coming to the end of it.

Mr. Speaker: He must end it.

Shri H. V. Kamath: I was coming to punishments.

Mr. Speaker: He has already sufficiently spoken on that. I am marking his speech from the beginning. I cannot allow a general dissertation on morality and general things about controls, etc. I believe he has sufficiently spoken on them. Has he anything special about the Bill?

Shri H. V. Kamath: I was going to suggest further that there must be social boycott of these criminals and offenders against society. Sir, I am reading from one of the articles that appeared in our weeklies in India: "Instead of discouraging these black-marketers and profiteers, some of us, even highly placed men go to the length of inviting them to our functions and actively collaborating....."

Mr. Speaker: I am afraid the honourable member is going beyond the scope of the Bill. I cannot permit that quotation or that line of argument.

Shri H. V. Kamath: Sir, I am coming to the end. I said that if these anti-social offences and practices are put an end to with vigour, then only, we will have the rule of the people by the people and really our institutions will be democratic and the Government will work for the people. Otherwise there is the danger that we may stray into plutocracy, that is rule by the men of wealth. I hope this is just a transition to the rule of God on earth that Mahatma Gandhi aspired for. He wanted that the Kingdom of God must prevail. Today the position is different. We see Mammon all round. I would like to say something from one of the books that inspired Mahatma Gandhi in the early part of his life, the book "Unto this Last".

Mr. Speaker: I must ask the honourable member to finish his speech now. I am not allowing him any further. Dr. Deshmukh.

Dr. P. S. Deshmukh: Mr. Speaker, Sir, I am very much grateful to you, Sir, that I have been able to catch your eye. I got up and sat down ten times yesterday; but I was not fortunate enough to get half the time that my honourable friends have had today.

Sir, it appears to me that the Honourable Minister is committing a grave waste of time of the House. We are every time being told that the time of this House is very precious and you, Sir, are the most watchful guardian of the time and have always seen to it that it is properly utilised. It appears to me that you have not examined the provisions that are proposed in the Bill. If you had examined them carefully and considered the speech of the honourable the Minister, you would have come to the conclusion that the whole ado is for the mere change of the word 'or' into 'and'. There is nothing else in the whole amending Bill except this. Added to it, Sir, before the speech was made, we might have some consolation that clause 2 sub-clause (b) was going to make some difference add to the provisions in the existing Act; that has also been retracted and we have it from the Honourable the Minister that he does not propose any change so far sub-clause (b) of clause 2 is concerned. Therefore, all that is left is the change of the word 'or' into 'and', unless, of course, the Honourable Minister is pleased to accept my honourable friend's suggestions in regard to whipping, donkey processions and social boycott which would change the character of the amending Bill. Then probably we would have spent this time usefully. I think this is much ado about nothing especially when we have the Honourable Minister for Home Affairs who is the guardian of law and order in the country, and we are also conscious of our strength which was effectively manifested in this House this morning. If the executive Government of India is worth anything the present courts and the present powers should serve them more than adequately. It is no use saying in an enactment that the magistrate shall do such and such a thing; there is nothing like 'shall'. After all a Magistrate cannot catch hold of a person and sentence him. The whole of the Indian Penal Code is content to have the word "may" and that has served us all these years. Similarly the original Act which is in force today

would be quite sufficient if the executive instructions of Government are followed. I do not therefore see any necessity for this amending Bill and taking all this trouble, because actually there is not going to be any difference whatever. The word 'may' always has, specially with reference to punishments, the force of 'shall'. It is not necessary to say that the court shall, do a particular thing. After all it is open to the court to say that it does not find the offender guilty. The only difference that is going to be made is that there will be fine in addition to imprisonment. I suggest therefore that the Bill should be withdrawn so that the time of the House may not be taken by other honourable members delivering harangues on the textile policy of Government, etc. That of course is natural because we do not usually have a chance of saying all that we feel and so you should consider it excusable if we give vent occasionally to our pent-up feelings. I suggest that the time of the House would be saved if the present bill were boiled down to what is absolutely necessary. I should also like to make a request that you Sir should not permit the Honourable Ministers on the Treasury Benches the latitude of taking up too much of your time. Yesterday the Prime Minister talked for about seven minutes to tell us that he had nothing to say; and that time was unfortunately taken out of non-official business. It might well be that those seven minutes would have given me a chance to deliver a speech which I had prepared and spent a good deal of time on. I have all the greater grievance because on a previous occasion when Babu Rajendra Prasad decontrolled food I had no opportunity either. I do not of course want to make a personal grievance of it but these are things which may I think be borne in mind. The Honourable Minister may therefore postpone this Bill and confine it to the essential purpose if any which it is intended to serve.

Mr. Nazirudin Ahmad (West Bengal: Muslim): Sir, I want to speak on a drafting point.

Mr. Speaker: The honourable member can speak when we take up the amendments.

Mr. Nazirudin Ahmad: I want to speak now so that the Honourable Minister may take note of it.

Mr. Speaker: Then I take it the honourable member will not speak then.

Mr. Nazirudin Ahmad: I may not. Section 7(1) which is going to be amended provides that in case of contravention certain properties shall be forfeited to His Majesty. This law was passed on 9th December 1946 when His Majesty had undoubted jurisdiction over India. But in the revised proviso of the present Bill the Draftman has used that phrase in two places, although "His Majesty" is today an anachronism. So the expression in the proviso will have to be changed and that will require a consequential change in sub-secion (1) itself. This drafting point may be considered.

12 Noon

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, confronted with a legislation of this kind I think the House would do well to remember the distinction between the duties of a member of the legislature and those of the executive authority. If you give too much power to the executive, if you only want to rid the country of all its evils by a mere resort to greater punishments I think you will have undesirable results and you find the executive completely demoralised and lazy in the performance of duties. I confess that I do not see eye to eye with my honourable friend Mr. Kamath in all that he has said. I would rather ask this House to ponder carefully and thoughtfully on what has been said by my honourable friend Mr. Himatsingka and proceed slowly and cautiously in respect of legislation of this kind. I should like to be informed whether black-marketing and profiteering have increased only owing to the leniency or so-called leniency of the State. Have they not failed because in all cases the necessary amount of proof has not been produced? They have increased not because fine has not been provided, but the real fact is that

[Srijut Rohini Kumar Chaudhuri]

cases of this kind are brought before the courts hastily. It was thought that as soon as cases were brought to court they would end in conviction. The lower magistracy are dependent for their promotion on Government and think that more convictions would lead to their promotion. So they convicted and gave the most monstrous sentences, and in the court of appeal the accused either got off or were treated leniently. This is the only reason why black-marketing and profiteering have increased, not because of any defect in the law. They have increased because of the carelessness and inefficiency of the officers who deal with these cases. I am very much surprised to find that in order to make the law drastic the elementary principles of criminal law have been ignored; section 562 of the Criminal Procedure Code has been thrown to the winds. This Bill provides that when contravention of the order has been proved the magistrate will have no alternative but to send the accused to jail. There is departure from the ordinary law; the word "shall" is there and there must be imprisonment. Section 562(1) Cr. P.C. lays down that an accused instead of being sentenced to imprisonment may be let off with a security. That is completely abrogated in this measure.

Then, Sir, there should be some distinction between ordinary and technical contravention of orders. We know that for the mere fact that certain accounts are not shown properly there is a contravention and technical breach of the order; will that man have to be sentenced to imprisonment also? Will the Government really get the sympathy of the public in general if they have a legislation of this kind, where all small technical contraventions and serious contraventions have to be punished by imprisonment and nothing else? It is time that the Honourable Minister should ponder over these things. I am afraid the country will say that you are trying to cover up your inefficiency and your own mistakes in the matter of the textile policy by trying to lull the public into a sense of security by introducing a legislation of this kind. Only the other day you decontrolled cloth without having an alternative provision for the supply. Cloth having been decontrolled, people purchased it at very high prices from other places. In places like Assam, people booked cloth from Bombay and Calcutta by air and the prices soared up very high. They did it because decontrol had taken place. Now you are going to impose control again and you will thereby be compelling those people to sell their cloth at a very low price: but if they keep it back they will be charged with hoarding. What will the people think of this?

As I have said it is not by whipping or by awarding capital sentences that you are going to solve this problem. The speech of my friend, Mr. Kamath, reminded me of the medieval days. You may remember the punishment inflicted in the Tower of London. You may remember the time when Nanda Kumar was sentenced to death for the offence of perjury. You may remember the days in old Assam when people were sentenced with their knee-caps, as it is alleged, cut off for thefts. The kind of talk which Mr. Kamath has treated this House with may please some people outside it, but it is no solution of the problem before us. The solution is that you must get the public confidence, and you must convince the public that you have introduced a policy which is really going to work and only in cases of any infringement of that policy can you have this kind of punishment. Merely enhancing the sentence will not solve anything. I would ask the Honourable the Minister to consider the provisions of Section 562 where for minor offences you punish merely with a fine and in cases where more severe punishment is called for, you punish with imprisonment. That is commonsense.

Even two years after the war you have not been able to tackle the cloth problem. Merely that you cannot send people to the gallows because you have not provided for a lesser sentence.

As regards the point raised by my friend, Mr. Naziruddin Ahmed about "His Majesty" I do not know whether it is a real mistake or whether it is intentional But the fact remains that still we are wedded to the old order of things. We want our Majesty kept and our Crown kept. The Indian sentiment has never been so democratic as to forget the King and the Crown.

Mr. Speaker: I may point out that in the original section the words are "His Majesty" and this is a proviso to that section.

Srijut Rohini Kumar Chaudhuri: Sir, I have finished.

Mr. Hossain Imam (Bihar: Muslim): I do not wish to indulge in any high-flown rhetorics. I simply wish to say something on the matters of the day. I welcome this measure in the spirit in which it has been brought, but I regret that it does not go far enough. My regret is twofold. Firstly, there is the old complaint that I have been making, that we pass skeleton laws leaving the rule-making power too wide to the Executive Government, and thereby creating the troubles to which reference has already been made by honourable members on this side of the House that rules and regulations under which they are being prosecuted are not available to the public. The public does not know what are the rules which have been framed. Although the ignorance of the law is no excuse, nevertheless there are occasions when it is the duty of a just Government to make endeavours to supply them. This is caused because the regulations are made and unmade so frequently that it is difficult to keep trace of them. Even in the Government offices, except for one or two copies of the Act and the Regulations which are continuously pasted up, you do not find the latest and the last rule made in many copies available. I therefore think that this habit of legislating by rules should be avoided as far as possible. But that is not within the scope of this measure. I wish to stress the fact that the provision of a punishment is not an end in itself. It is a means to an end. The end desired is that the practice which is penalized will end. May I know what steps are being taken by the Ministry to bring forward this desired result? The law, as it is being amended, simply makes the forfeiture mandatory. Otherwise there is no change in the law and stress has been laid on the period of three years. Imprisonment is compulsory but imprisonment can be till the rising of the court as has often happened in courts which regard the offence to be merely technical.

I would like to draw the attention of the Ministry to the fact that the black-marketing does not start with the retailer as is commonly supposed. There are four steps in this racket, and the first and foremost is the one which goes with impunity. I refer to the production by the mills. The first black-market starts from there because unless you have the supplies you cannot have the black-market. The supply is usually given by the mills through the ingenious method of showing lesser production than is the actual production in the mill. My complaint is that the Government has not framed any rules, from 1943 up to date, in order to tighten the grip on the millowner who is the first and the keystone in this black-marketing racket. I have known instances where mills have shown their production by about 20 per cent less than the actuals. The method of finding this out is a formula which has probably the approval of the tariff board also that 100 lbs. of cotton gives 108 lbs. of ordinary coarse and medium cloth. On this formula if it were worked out by the Textile Commissioner I am certain that lakhs of bales would be found to have been hidden away by the mills, and there is no regulation at least to my knowledge by means of which mills are compelled to bring about their production to the average level or to be penalised for producing less.

The second step among the black-marketeers is the quota-holder, as they existed before the decontrol was started. I do not know whether they exist

[Mr. Hossain Imam]

today. The quota-holder is a person who acts as an intermediary between the mill and the wholesaler. . . . . .

The Honourable Dr. Syama Prasad Mookerjee: He is not in existence today.

Mr. Hossain Imam: I am so glad. So I will pass on to the wholesaler. They take some premium on the supply of better kinds of cloth. It is there that you must have a role to regulate that they shou d not make these charges.

Last but not least is the retailer. In places where there had been rationing no check was ever applied to find out whether the cloth sold was sold according to ration cards or not and whether the ration cards were genuine or bogus. All these things go to make up the black-market. The purport of my speech is to remind Government to tighten its machinery of inspection, regu ation and control. Unless you do that it is no good providing for any measure of punishment, because there will be no cases and there will be no punishment. If there is only one case out of a 100 or 1000, that will prove no deterrant. What is wanted is that the Government should go full steam ahead and evo'ye a system by which they will have complete check, greater inspection and better rules and regulation, so that every thing can be contro'led. If we have that it is not necessary that the punishment should be strict. On the other hand even exemplary punishment to one in 1000 wi l induce the black-marketeer to take the risk rather than give up his practice.

In this connection I should like to point out to a bit of inconsistency between the Act itself and the proviso. In the original Act Section 7 sub-section (1) says:

"If the order so provides, any court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty."

And the present proviso says:

"The Court shall direct that any property in respect of which the Order has been contravened shall be forfeited to His Majesty."

Here there is an element of incongruity. In the main Act you give the discretion to the Court, whereas in the proviso you make it compulsory. I do not know the law and so I shall place this point for your consideration. Secondly I want to draw your attention to the words "any property in respect of which the order has been contravened." Supposing the charge is that a man has so'd rubber cloth No. so and so at such and such a price. Will it mean that one bundle of that cloth will be forfeited. This should be clarified. Do these words cover the generality or particularity? If it is to be restricted to that particular piece of cloth to which it refers I think it is better not to provide for it. It would be so minor a matter that it would be difficult to prove that it has been systematically going on. You can only say that so and so bought the cloth and at a higher price than what was fixed. If it is the intention of the Government to continue this control it is necessary that a more comprehensive Bill including many of the rules which are fundamental, should be brought forward in the next session so that we may know that the Government is up and doing and what it is doing. It is not enough that they should be satisfied that they are giving us a good government. It is necessary that the public should be satisfied that they are having a good government. This is the advantage of having a national government. I want that the public should be satisfied and it is no good saying that the measure is of a temporary nature. The textile trouble will continue in my opinion for three or four years and we must proceed on the assumption that the control is to continue for a longer period and in a more comprehensive manner. Sir, with this I resume my seat.

Shri B. Das (Orissa: General): Sir, I support the measure under discussion but my support is half-hearted, because it will not meet the needs of the country. Much has been said about punishment, more drastic punishment and less drastic punishment and punishment in the legalistic way as suggested by my honourable friend Mr. Rohini Kumar Choudhury. I think we are in a drastic situation and a drastic situation needs a drastic remedy. During the last four years the black-market has been at its worst. With the help of the British and American Air forces cloth was flown to Siam and China and now it is smuggled to Pakistan on both sides of India. Some drastic remedy is necessary Those who are black-marketeers and suppliers need drastic punishment. I am not an admirer of Russian methods of action but I do feel that the Government of India should be empowered sometimes to act up to Russian methods. If there is summary justice and hanging of a few black-marketeers, suppliers, and intermediary dealers, if one hundred hangings take place in the market square of every town throughout India, there will be no more black markets. I do not profess that I love my government. I am trying to love them. I do not, like my honourable friend Mr. Kamath, profess that I love my country more than I love the Ministry. I am trying to love my ministry. They must understand the situation and act up in a measure that will suit the desire of the people of the country. Many women committed suicide in the Honourable Minister's own province because a *saree* or *dhoti* could not be available. Why are we fighting shy of hanging the black-marketeer or the cotton millowner, the wholesale supplier and even the retail dealer? (*An Honourable Member*: 'Hang them all.') Of course there will be hundreds of lawyers all over the country to defend the black-marketeer. Therefore I do request my honourable friend Dr. Syama Prasad Mookerji after the session is over to have an ordinance promulgated. We will not question him. I will send him a telegram of congratulations. Let them hang all black-marketeers, let them have summary justice. If there is to be any justice, let them take five people from the town and try those people, say five members of the provincial congress Committee as Panchayats. Unfortunately, although the Minister is not a Congressman, he is following the Congress principles of non-violence. Otherwise I believe the Honourable Minister has the strength and courage to act up to what I am suggesting to him. If you do not do that there is no use of this half-hearted measure. It won't meet the exigencies of the situation. It would not help the poor man who occasionally commits even suicide because he is going naked. It is pitiable that we are in this position for the last five years. Being faithful followers of non-violence we cannot say what is the proper punishment for those thousands and thousands—I may say even lakhs—of people who have been black-marketing and depriving the poor people of their minimum requirements of cloth. Sir, I do hope that during the recess the Cabinet will follow the suggestion I have dropped, and occasionally let us have Russian methods of justice though not Russian practice in other matters.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I wish to confess at the very outset that the Bill is a disappointing one. I would wish the Honourable Minister to have brought forward a Bill more comprehensive, according to the wishes of the House. As has been pointed out by my honourable friends, the only change contemplated by this Bill in the original Act is the substitution of 'and' for 'or'. And by this Bill the Honourable Minister hopes to control the black-market. I am not for the punishment of whipping or of taking people round the streets on donkeys, as suggested by my Hon'ble friend Mr. Kamath. I really wonder how he made that suggestion. When these punishments were inflicted during the bureaucratic days on civil resisters we called them barbarous and uncivilized. I do not think that after we are free we should impose such punishments on anybody, whatever the offence may be.

[Prof. Shibban Lal Saksena]

While I do not like the punishment that my hon'ble friend Mr. Kamath has suggested I am not a whit less keen than him to root out corruption and I do wish the Prime Minister did really give effect to the announcement he made in his free days that he will hang the black-marketeers by the nearest tree. In fact I won't even mind the law not being made more stringent. What I am more concerned with is giving effect to the law. May I ask my honourable friend the Minister whether he can tell the House the number of prosecutions or convictions of millowners who have been guilty of all this cloth black-marketing during the last four or five months? The existing Act did give them power to award sentences of imprisonment for a period of three years or to confiscate the property. I want to know what has been done. The Bill says that if there is any contravention of the control orders, the offender will be punished. But we do not know from the Bill what the orders are. So this Bill is just a blank cheque to the Government—that whatever orders they make shall be followed, and if there is any contravention thereof, then such and such punishment shall be given. My honourable friend Pandit Kunzru pointed out the other day that such Bills should not be brought before the House. The entire power of law-making is really taken by the Government, and whatever they want they can provide for in the Rules. I wish the Bills brought are more comprehensive so that rule-making power does not degenerate into law-making power. I hope that the orders which will be made under this Act shall be comprehensive enough to root out the evil.

Yesterday I was listening carefully to the debate on the report which the Economists have submitted for solving the problem of inflation. I was feeling as to what was the use of these proposals so long as from top to bottom there is corruption in the Government and in the Congress and everywhere. So long as that is not rooted out no improvement can come. We will solve neither the food problem nor the cloth problem so long as that evil persists. If the law is properly and rigorously enforced, it will really be able to do much. But the position is unfortunately different. In my own Province there have been cases of big industrialists being convicted by the sessions courts of crimes of hoarding and black-marketing—there was a lot of coal buried under ground inside a factory—but the millionaire proprietor was acquitted by the High Court though the sentence against the underlings was upheld. Everybody knew what had happened, for such scandals cannot be kept hidden. I have no doubt that if some of these big millionaires who are really guilty of such crimes are punished this thing will come to an end. Black-marketing goes on, because the men at the top do it and we have not got the strength to punish them and to set them right. They have got the means, the lucre, and can influence even the highest-placed authorities in our country. And our Ministers know it. My hon'ble friend Mr. Kamath quoted just now from our ex-President, Acharya Kripalani, who asked "Where was the C.I.D. now?" Everyone of them knows what is going on. Why not take action then? Everybody knows who are the men doing all this. In fact we have now appointed an Income tax Investigation Commission. Years have passed and we have to deal with the culprits now. I do not know what will happen. But the real point is that you must be ruthless against corruption. So long as you don't suppress corruption there is no use of these Bills. Let the punishment be three years or seven years or even twenty years. But if not a single man is punished or sentenced, what is the use of the provision for punishment? I would therefore like the Honourable Minister to give us in his reply the number of convictions which have been secured during the last one year since the Government took office of black-marketeers—of industrialists who own mills or of wholesalers dealing in crores of rupees of business who were guilty of black-marketting. I wish that he should also tell us how many people's properties were confiscated, and how many mills were sealed and the cloth seized by Government. Under the law they could have done both.

In regard to the second part about food, I have tabled one amendment, which provides for giving the courts authority either to confiscate the whole or a part of the food that the people were caught taking away. I want to be lenient to them, particularly to the poor people. The ordinary peasants are put in jail or punished, and the grain they carry is forfeited to the Government. But they do not know the law. If a man carries 20 seers of rice from Gorakhpur to Bihar, crossing the border, all the foodstuffs he carries is forfeited and sometimes he will have to go to jail. The court will not have the discretion even to release the grain which he carried, though it may be convinced that the man brought it due to his ignorance of the law. The rules are sometimes so foolish that it is not possible to follow them. I want that there should be some machinery in this country which should see that the orders which are made are sensible and then they are ruthlessly enforced. I would have wished that the courts were given more responsibility, that at least the High Court were given the discretion of punishing according to the guilt particularly in the case of foodgrains and particularly in regard to small offenders like a man crossing the border with twenty seers of rice when there is no rice on the other side. What I really want in this Bill is, more details of the machinery to control black-marketing, both cloth and food. We want to promise from Government that they would see that the orders are ruthlessly enforced and that those who infringe them will be brought to book and not left scot-free. Particularly I want regular monthly statistics to be given to the House giving details of the number of black-marketeers convicted—big merchants and mill-owners who are guilty of this. So long as we do not do it there is no use of planning, of discussing economists' reports and trying to formulate our policy. The country is tired of all this. Everybody knows that corruption is going on before our own eyes, but nobody will do anything to root it out. I wish that things are enforced rather than that we should pass this Bill. Sir, subject to these few words I support the Bill.

پنڈت ٹھاکر داس بھارگو : مانئیہ سپیکر صاحب ! جب ۱۹۴۶ء میں یہ بل پیش ہوا تھا تو اس وقت میں نے اس سیکشن ۷ کے بارے میں جناب کے روبرو اعتراض کیا تھا مجھے افسوس ہے کہ آج مجھے اس اعتراض کو پھر دوہرانا پڑتا ہے آج جو یہ Amending Bill پیش کیا جاتا ہے اس کے بارے میں جناب نے تقریریں سنی ہیں۔ مسٹر کامتھ تو یہ چاہتے ہیں کہ ان لوگوں کو گدھے پر چڑھا کر پھرا دیا جائے اور سخت سزا دی جائے – یہاں تک کہ ان کو بہت (Flogging) لگائی جائیں - ایک طرف تو یہ کہا جاتا ہے - اور دوسری طرف یہ کہا جاتا ہے کہ ان لوگوں کو پھانسی دی جائے - تا کہ اور لوگ دیکھیں کہ ایسے آدمیوں کو کیسی سزائیں ملتی ہیں اور وہ ایسا کرنے سے گریز کریں -

میں اس چیز کو ایک دوسرے نقطہ نگاہ سے پیش کرنا چاہتا ہوں- وہ یہ کہ اس دفعہ نمبر ۷ جس کی کہ ترمیم کی جاتی ہے - میں یہ درج ہے کہ جو آدمی اس آرڈر کی خلاف ورزی کریگا اس کو تین سال کی سزا دی جا سکتی ہے – اور جرمانہ بھی کیا جا سکتا ہے - میری گزارش یہ ہے - کہ ان لوگوں کو ہر صورت میں سزائے قید دینی لازمی ہے- اور اس Amending Bill کے تحت "Court shall direct" کہ اسکی ساری کی ساری کچھ حد تک جائیداد ضبط کی جائے –

[پنڈت تھاکرداس بھارگو]

جناب والا ! میں بلیک مارکٹ کرنے والوں سے اتنی نفرت کرتا ہوں جتنی کہ دوسرے اصحاب کرتے ہیں اور میں یہ بھی نہیں چاہتا کہ اُن کو کم سزا دی جائے - لیکن میں یہ بھی نہیں چاہتا ہوں کہ تصور کرے کوئی اور سزا دی جائے کسی اور کو - اگر چند حصے دار ہیں توضیطی میں سب کی جائیداد آویگی گو مجرمیت میں ایک شخص ہی ذمہ وار ہو سکتا ہے -

جناب! مجھے ایک بات یاد آئی ہے - میں چھٹی جماعت میں پڑھتا تھا اور وہاں پر جو کتاب پڑھائی جاتی تھی اس میں ایک کہانی درج تھی جسکی Heading تھی Five blind men of India - پانچ آدمی ایک ہاتھی کو دیکھنے جاتے ہیں ایک اُسکا منہ دیکھ کر اپنا تجربہ ہاتھی کے متعلق بتاتا ہے - دوسرا اُس کے جسم کو دیکھتا ہے اور تیسرا پونچھ کو دیکھتا ہے - وہ کہتا ہے کہ ہاتھی مانند رسہ کے ہے اور چوتھا اس کے کان دیکھکر بتاتا ہے کہ ہاتھی چھاج جیسا ہوتا ہے غرضیکہ ہر ایک اپنے طریقہ پر دیکھکر ہاتھی کا تجربہ بتاتا ہے- ایک طرف بلیک مارکٹ کو دیکھکر میرے دوست مسٹر کامتھ کا غصہ ۱۰۸ درجہ کا ہو جاتا ہے - اور دوسری طرف میرے دوست مسٹر ہمت سنگھکا یہ کہتے ہیں کہ اگر ایک انسپکٹر کسی دوکان کے اندر جاتا ہے اور وہاں پر دیکھتا ہے کہ اس آرڈر کے مطابق rates کا list نہیں رکھا گیا ہے یا رجسٹر میں کوئی اور اندراج نہیں کئے جاتے ہیں تو اُس کے عدم اندراج پر اس دوکاندار کو سزا دی جا سکتی ہے - اور یہ جو سزا رکھی گئی ہے وہ بہت زیادہ رکھی گئی ہے -

میں جناب والا کی توجہ نہایت ادب سے سکشن نمبر ۳ کی طرف دلاؤنگا - جس کے تحت کہ کنٹرول عاید کیا جاتا ہے - اس دفعہ نمبر ۳ کے ضمنی دفعات (h) اور (i) کو جناب ملاحظہ فرمادیں - اس میں درج ہے -

"3. (1) The Central Government, so far as it appears to be necessary or expedient for maintaining or increasing supplies of any essential commodity, or for securing their equitable distribution and availability at fair prices, may be notified order provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

* * * *

(h) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;"

And (i) is very important—

"(i) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order;".

میری گزارش یہ ہے کہ اس بل میں سب جرائم کے واسطے ایک ہی قانون بنا ہے اور ایک ہی سزا مقرر کی گئی ہے - یہ ایسی ہی بات ہے - اندھیو نگری چوپٹ راجہ - ٹکہ سیر بھاجی ٹکہ سیر کھاجا - یعنی ہر ایک چیز کی قیمت ایک ہی ہے دودھ بھی

دھی بھاؤ Vegetables بھی وہی بھاؤ اور دوسری تو دوسری نکمی چیزیں بھی اسی بھاؤ سے بکتی ہیں - ان میں یہاں پر کوئی تمیز نہیں رکھی گئی ہے - یعنی اس بل میں اس بات کا کوئی امتیاز نہیں ہے کہ دراصل جرم کرنے والے کو سخت سزا دی جائے اور Technical جرم کرنے والے کو کم سزا دی جائے -

جب یہ بل پہلے پیش ہوا تھا تو اس وقت بھی میں نے بینتھم (Bentham) کی پراپوزیشن Quote کی تھی - اور کہا تھا کہ جس جرم کے واسطے قینچی سے کام چلتا ہے اس کے واسطے hammer استعمال نہیں کرنا چاہیئے - اس میں یہ درج تھا کہ اگر آپ ہر ایک چھوٹے اور بڑے جرم کے لئے ایک ہی سزا دینگے تو ہر ایک کو یہی Temptation ہوگی کہ وہ بڑا جرم کرے - اگر ایک شخص کو محض اس لئے تین سال کی سزا دی جا سکتی ہے کہ اس نے رجسٹر نہیں رکھا ہے تو وہ صرف اتنے ہی جرم پر آئندہ اکتفا نہیں کریگا بلکہ اور بھی کچھ کردیگا - اس لئے میری گزارش یہ ہے کہ یہ سارا بل Misconceived ہے - اور جیسے کہ میں نے پہلے بھی گزارش کی ہے اس سارے بل کو اچھی طرح سے Overhaul کرنے کی نہایت ضرورت ہے - اگر آپ آج اس Amendment کو قبول کرتے ہیں تو اس کا مطلب یہ ہوگا اگر کوئی دوکاندار رجسٹر ٹھیک نہیں رکھتا تو اس کے لئے عدالت حکم دے سکتی ہے کہ اس کی جائیداد چاہے وہ دس لاکھ روپیہ کی ہی کیوں نہ ہو ساری کی ساری ضبط کی جائے - اب تک تو جرمانہ کی سزا تھی مگر اب مال کی ضبطی کی بھی سزا رکھ دی گئی ہے - یہ قاعدے اور قانون اس واسطے نہیں بنائے جاتے ہیں کہ بےگناہ آدمیوں کو سزائیں دی جائیں - جیسا کہ میرے دوست مسٹر حسن امام نے اور مسٹر سکسینہ نے کہا ہے اور دیش میں جو پبلک Opinion ہے اسکو ظاہر کیا ہے - جو لوگ دس ہزار قسم کی بدمعاشیاں کر کے ملک میں Unrest پھیلاتے ہیں ان کے لئے تو یہ سارا ایکٹ بھی نا کافی ہے - اور جو فریب ہیں اور اصطلاحی جرم کرتے ہیں ان کے لئے ضرورت سے زیادہ سخت ہے -

بڑے آدمیوں کو تو سزائیں نہیں دی جاتی ہیں اور چھوٹے چھوٹے آدمیوں کو اس لئے پکڑا جاتا ہے کہ پانچ سیر گیہوں یہ لے گیا ہے - یا پانچ سیر گیہوں چھپا رکھا ہے جب ایسے مجرموں کو کورٹ کے سامنے لایا جاتا ہے تو کورٹ یہ خیال کرتی ہے کہ بڑے آدمیوں کو سزائیں نہیں دی جاتیں چھوٹے آدمی کو سزا دینے سے کیا فائدہ - اسلئے کورٹ اُن سے نرمی کرکے اُنکو چھوڑ دیتی ہے -

جناب والا ! میں جانتا ہوں کہ یہ جو بلیک مارکیٹنگ یا پرافیٹیرنگ اور ہورڈنگ کا جرم ہے یہ نہایت بڑا جرم ہے - اور مجھے ایسے آدمیوں سے ہرگز کوئی

[پنڈت ٹھاکر داس بھارگو]

ہمدردی نہیں ہے - اس بل میں یہ ترمیم کی جائے کہ کورٹ کو اتنے اختیارات نہ دئے جائیں جتنے کہ آپ دے رہے ہیں صرف ان ہی لوگوں کو سزا دی جائے جو کہ دراصل مجرم ہوں اگر اس میں صاف طور سے درج کیا گیا ہوتا کہ سزا قید صرف اُسی کو دی جائیگی جو دراصل black marketing کا مجرم ہو تو میں اس کے حق میں ہوتا — لیکن موجودہ صورت میں میں اس سے اتفاق کرنے کو تیار نہیں ہوں - اگر اس کو قبول کیاجائے تو نتیجہ یہ ہوگا کہ بہت سے ان لوگوں کو جنھیں کہ سزائیں نہیں ملنی چاہئیے تھیں - انکو سزائیں مل جائینگی — اسلئے اگر میں اس بل کو support کروں تو یہ میری ایک غلطی ہوگی - اس بل کی رو سے کورٹ کو یہ اختیار دیا جا رہا ہے کہ وہ Textile order کے خلاف ورزی کرنے والے کے جرم کو بڑی سے بڑی سزا دے - اور اسی وجہ سے آنریبل منسٹر نے یہ بل پیش کرنے کی ضرورت محسوس کی ہے-

میں یہ پھر گزارش کرنا چاہتا ہوں - گزشتہ دو سال میں اس ایکٹ کو اچھی طرح سے ایڈمنسٹر نہیں کیا گیا ہے - اور مجرموں کے ساتھ بہت ہی نرمی کی گئی ہے - اس ایکٹ میں کوئی ایسا مصالحہ یا تجویز نہیں ہے جس سے کہ ہمارے دیش میں اس جرم کا پورا پورا سدباب ہو - ہمارے اس دیش کو اس بلیک مارکیٹ سے اور ان بلیک مارکیٹ کرنے والوں سے بہت نقصان پہنچ رہا ہے - اسلئے ان کو ضرور قرار واقعی سزا دی جاے - لیکن یہ نہیں ہونا چاہیئے کہ کورٹ کو یہ اختیار دیا جائے کہ وہ اسکی جائداد کو بصورت کہ مجرم نے اصطلاحی جرم عدم نقشہ پوری یا لگانے فہرست قیمت جو سب کیا ہو تو اس کی ساری جائداد ہی ضبط کر لیجاوے اور وہ بھی لازماً میں اس measure کو support نہیں کرتا ہوں - میں تو یہ کہتا ہوں original measure بھی غلط ہے - اور یہ دوسرا measure بھی غلط ہے-

۱۹۴۶ میں میں نے ہر ایک بل کے متعلق یہی کہا تھا کہ جب تک آپ ہر ایک قانون بناتے وقت اسبات کا خیال رکھیں کہ اگر کوئی جرم کرتا ہے تو اُسکو اُس جرم کرنے کی سزا اُتنی ہی ملنی چاہیئے جتنی کہ اُس کے لئے مناسب ہو - میں اس واسطے نہایت ادب سے عرض کرتا ہوں کہ یہ بل اس قسم کا ہے کہ آنریبل منسٹر صاحب کو یہ واپس لینا چاہیئے - اور اس کے بجائے ایک اس قسم کا بل لاویں جو مناسب اور قرار واقعی سزا دینے والا ہو - اُسکو ہاؤس support کریگا اس بل کے enact ہونے سے بہت بے انصافی ہونے کا ڈر ہے -

(English translation of the above speech).

Pandit Thakur Dass Bhargava (East Punjab: General): Mr. Speaker, Sir, when this Bill was brought up in 1946, I raised an objection in regard to this Section. I am sorry I have again to repeat the same objection today. Sir, you have heard the speeches delivered in connection with this amending Bill which has been moved today. On the one hand Mr. Kamath wants that such persons should be taken round on donkeys in the streets and given a deterrent punishment. He even suggests that they should be flogged and on the other hand it is suggested that such persons should be hanged so as to serve as an example to others to desist from committing such anti-social offences.

I would like to explain this thing from a different angle of vision, *viz.*, that Section 7 which is being amended lays down that a person who contravenes this Order is liable to be sentenced to three years imprisonment and in addition to a fine. My submission is that these persons should in all circumstances be sentenced to imprisonment, but under this amending Bill "the Court shall direct" that any property, whole or a part thereof belonging to that person should be forfeited. Sir, I hate the black-marketeers as much as other persons and I also do not want that they should be given a light punishment. But I do not also like that an innocent person should be punished and the real culprit let off. If two partners are involved, then the forfeiture will cover the whole of their property, although only one person may be held to be guilty of the offence. Sir, I remember when I was studying in the sixth class a book which we read contained a story with the heading "Five Blindmen of India". Five persons go to see an elephant—one of them explains his experiences after touching the elephant's trunk—the second looks at his body, the third to his tail—each one of them describes the elephant according to his own experience; and the fourth one after having seen his ears describes him to be like a *chhaj*—a winnowing basket. Everyone gives his own version about the elephant. The indignation of my honourable friend Mr. Kamath rises to 108 degrees when he sees a black-marketeer and my friend Mr. Himatsingka says that if any Inspector visits a shop and finds that the list of rates has not been exhibited in accordance with this Order or no entries are made in the Register, then a person is liable to be punished in default thereof, and the punishment which has been provided for such a breach is very severe. Sir, I would respectfully invite your attention to Section 3 in pursuance of which the control is imposed. Sir, you may go through Sub-sections 2(h) and (i) of Section 3, which lays down:

"3. (1) The Central Government, so far as it appears to be necessary or expedient for maintaining or increasing supplies of any essential commodity, or for securing their equitable distribution and availability at fair prices, may by notified order provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

* * * *

(h) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;"

And (i) is very important—

"(i) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order;".

My submission is that this Bill prescribes similar punishment for all sorts of offences—the offence may be trivial or serious, but there is one punishment for all offences. This is "confusion worse confounded". In other words, a

[Pandit Thakur Das Bhargava]

uniform rate has been fixed for all articles be they milk, vegetables or other sundry articles all sold at the same price. All these articles have been treated alike and this Bill does not make any distinction between a real culprit who should be awarded a severe punishment and a person committing a technical offence who should be given a light punishment. At the time when this Bill was first brought up, I quoted Bentham and pointed out that if you can manage with lighter punishment you should not resort to drastic measures. He says that if you provide the same punishment both for the serious and the trivial offence, everybody will be tempted to commit the bigger offence. If a person is sentenced to three years imprisonment simply for the simple reason that he has not maintained the register properly he will not only confine himself to the commission of this particular offence, but will do something more. Therefore, my submission is that this whole Bill is misconceived, and as I have stated it requires to be overhauled thoroughly. If you accept this amendment it would mean that if any shopkeeper does not properly maintain the Register, the Court can direct that his whole property which may be worth ten lacs shall be forfeited. Uptil now fine was imposed, but now the forfeiture of property has been provided. These rules and regulations are not framed with a view to punish innocent persons. As my honourable friends Mr. Hossain Imam and Prof. Shibban Lal Saxena have stated and have given expression to the public opinion in the country that this Bill is quite inadequate to deal with people who commit all sorts of offences and spread unrest in the country, whereas it will prove very harsh for those who are poor and commit only technical offences. Big persons are not punished whereas ordinary persons are prosecuted for petty offences as for carrying 5 seers of wheat or hiding 5 seers of wheat. When such offenders are produced before the Court, the Court thinks that when big persons are not proceeded with, what is the use of punishing the ordinary people? Therefore the Court deals with them leniently and acquits them.

Sir, I realize that the offences of black-marketing, profiteering and hoarding are very serious and I have absolutely no sympathy for such people. The Bill should be so amended as to give less powers to the Court. Only those persons who are the real culprits should be punished. If it had been specifically provided for that imprisonment would be awarded to that person only who is actually found guilty of black-marketing, then I would have supported it. But I am not inclined to agree to it in its present form. If it is passed, then the result would be that many such persons who should not have been punished will be convicted. Therefore I would be wrong if I support this Bill. Under the provisions of this Bill, the courts are being empowered to give severest possible punishment to the person who contravenes the Textile Order and for this reason the Honourable Minister has felt the need to bring forward this Bill. I would again like to submit that during the past two years this Act was not properly administered and the offenders were treated very leniently. This Bill does not contain any such provision which will deter people from indulging in black-marketing which has done very serious injury to the interests of our country. Therefore such black-marketeers should be awarded suitable punishment. But it should not be obligatory on the Courts to forfeit the whole property of a person in default of his having committed a technical offence in not submitting the returns or in not exhibiting the rate-lists. I do not support this measure. I would even go to the extent of saying that both the original Act as well as this Bill are unsuitable.

In 1946, I had expressed these views in regard to each and every Bill that while framing a legislation, it should be borne in mind that punishment commensurate with the gravity of the offence should be awarded. I would, therefore, very respectfully request the Honourable Minister to withdraw this

Bill and introduce a fresh one, prescribing suitable and proper punishment. The House will support that. It is feared that the enactment of this Bill will result in injustice.

श्री लक्ष्मीनारायण साहू : वाचस्पति जी, इस बिल का मैं स्वागत करता हूं, लेकिन स्वागत करते हुए भी मैं दो चार बातें असेम्बली के ध्यान में लाना चाहता हूं । पहली बात यह है कि जितना गड़बड़ देश में होता है इसके लिए जवाबदेह कौन है ? तो सुनता हूं कि पहले तो गवर्नमेंट जवाबदेह है क्योंकि जब गवर्नमेंट ठीक तौर से कारोबार करेगी तो साधारण आदमी को इतनी तकलीफ़ नहीं होगी। लेकिन बहुत आदमी कहते हैं कि जिस देश का जैसा आदमी होता है उस देश की वैसी ही गवर्नमेंट भी होती है।

इस लिए कभी कभी यह शक होता है कि जब हम लोगों की गवर्नमेंट ख़राब है और यहां का आदमी भी ख़राब है इसी लिए गवर्नमेंट कुछ कर नहीं सकती । गवर्नमेंट कहां से आये। यह जो आदमी हैं उन्हीं के भीतर से गवर्नमेंट आती है। इसी लिए यह बात ठीक है कि गवर्नमेंट वैसी होती है जैसे कि किसी देश के आदमी होते हैं। और इसी लिए यह मालूम होता है कि हम लोगों के देश के आदमी ठीक नहीं हैं इसी लिए हम लोगों की गवर्नमेंट भी ठीक नहीं चल पाती है यह तो मैं मनता हूं, लेकिन यह होते हुए भी देश में जो भले आदमी रहते हैं उनको चुन कर ही गवर्नमेंट बनाई जाती है और लोग समझते हैं कि उस गवर्नमेंट से हम लोगों को कुछ फ़ायदा होगा। लेकिन अभी तक गवर्नमेंट ने जो काम किया है उससे साधारण आदमी यही समझता है कि गवर्नमेंट ने कोई फ़ायदा नहीं किया । मैं तो एक बात कहना चाहता हूं जो मैंने खुद भोगी है। मैं पहले कहना चाहता हूं कि ब्लैकमारकेटियर कौन है ? जो बेचता है वह ब्लैकमारकेटियर है पर जो खरीदता है क्या वह नहीं है ? मैं समझता हूं कि वह दोनों ही ब्लैकमारकैटियर हैं। लेकिन अवस्था ऐसी है कि जिसको ज़रूरत होती है वह ख़रीदता ही है—अगर नहीं खरीदेगा तो कैसे काम चला सकेगा। इसी लिए गवर्नमेंट को देखना चाहिए कि जो खरीदने वाले हैं, वह जो ब्लैकमारकेटिंग करते हैं उनको तकलीफ़ नही देनी चाहिए। मेरे मित्र पंडित भार्गव जी ने कहा कि जो छोटा काम करता है उसको भी उतना ही दंड होता है जितना कि उसको जो बड़ा काम करता है। मेरे मित्र शिब्बन लाल जी ने ठीक कहा कि असल में जो दोषी है वह भाग जाता है और दूसरे आदमी जो उनके अंडरलिंग (Underlings) होते हैं वह पकड़े जाते हैं और जेल भेजे जाते हैं। मैंने देखा है कि बिज़नैसमैन के बहुत अंडरलिंग रहते हैं और वह उन्हीं से कारोबार करते हैं। एक दफ़ा ऐसा हुआ कि जब चावल बालासोर (Balasore) से कलकत्ता जाने की मनाही थी तो बिज़नैसमैन काफी चावल भेजते थे। एक आदमी एक बिज़नैसमैन का अंडरलिंग था। वह डरता था, लेकिन बिज़नैसमैन कहता था कि तुम क्यों डरता है, महात्माजी जेल गये हैं और तुम को डर लगता है। अगर एक दो बरस के लिए जेल हो जायगा तो उसमें क्या है ? मैं वहां बैठा था। उस आदमी ने अभी तक दंड नहीं पाया है। मैं उड़ीसा से आता हूं। एक बार मैंन एक दूकान से कागज़ खरीदा। मैं ने गवर्नमेंट को लिखा था कि मुझ को आफ़िस वगैरह चलाने के लिए कागज़ की

श्री लक्ष्मीनारायण साहू

ज़रूरत है। लेकिन इतना करप्शन (corruption) है कि ऊपर से नीचे तक, कि जो मैंने कभी नहीं पाया। आखिर मैं एक दफ़ा नहीं पर तीन चार दफ़ा सिविल सप्लाई अफ़सर के पास जाने से ६ दस्ता कागज़ पाया। इसमें मैं क्या कर सकता था? इसलिए मैंने एक ब्लैकमारकैटियर के पास जाकर ४५ रुपया रीम में एक रीम कागज़ खरीदा। वह कागज़ बहुत पतला था। मैंने सिविल सप्लाई अफ़सर को लिख दिया कि मैं कागज़ नहीं पाता हूं और इसलिए मैंने ४५ रुपया में एक रीम कागज़ खरीदा है। जो सिविल सप्लाई अफ़सर थे उन्होंने मुझको लिखा कि आपने कोई वाउचर पाया है। सौभाग्य से मैंने उसी ब्लैकमारकैटियर से एक वाउचर ले लिया था क्योंकि मैंने उसको कहा कि आपने ४५ रुपये लिये है—मैं तो सर्व साधारण का काम करता हूं। अगर वाउचर नहीं होगा तो दफ़्तर वाले शक करेंगे कि मैंने कुछ पैसा अपनी जेब में डाल लिया। इसी लिए आपको वाउचर देना चाहिए। तो उन्होंने दूसरे अंडरलिंग को बोल दिया कि वाउचर दे दो. उसने वाउचर दे दिया। उसी वाउचर को मैंने सिविल सप्लाई आफ़िसर (Civil Supply Officer) के पास भेज दिया और कहा कि देखिये यह वाउचर है। उन्होंने कहा कि मै ज़रूर उसको दंड दूंगा और उन्होंने केस भी स्टार्ट (start) कर दिया। लेकिन क्या हुआ? कुछ रोज़ में यह हुआ कि उनका ट्रांस्फर (transfer) बिहार को होगया। फिर हम लोगों ने बहुत कोशिश करके गवर्नर को तार दिया और कहा कि यह आदमी तो अच्छा है इसको और कुछ दिन रखना चाहिए। तो दो महीने उस अफसर को रखा गया। केस स्टार्ट हुआ लेकिन फिर ट्रांस्फर कर दिया। उस केस में कुछ भी नहीं हुआ और जो वाउचर है वह अभी तक आफ़िस में पड़ा हुआ है। अभी तक वापस नहीं आ[illegible]। इसी से तो मैं कहना चाहता हूं कि हम लोगों की गवर्नमेंट बहुत ब्लैक मारकेटियर है।

एक बात मैं और कहना चाहता हूं कि उड़ीसा में एक सत्यनारायण लाइब्रेरी है। उसके नीचे कपड़े के बेल (bales) मिले। सी० आई० डी० (C.I.D.) ने बहुत कोशिश करके उसको पकड़ा और यह सब जानते हैं कि कौन ब्लैकमारकैटियर हैं और यह माल किसका है, लेकिन दो बरस हो गये अभी तक कुछ भी नहीं हो सका और वह माल रखा हुआ है और गवर्नमेंट केस नहीं चलाती. क्योंकि वह कहती है कि कोई क्लेमेंट (claimant) नहीं है। आपके हाथ में पुलिस है जासूस हैं पर फिर ऐसा क्यों होता है। मैं तो कहता हूं कि यह परपज़ली (purposely) हो रहा है और इसका सबब भी मैं कह देना चाहता हूं वह यह है कि जब तक कांग्रेस गवर्नमेंट जो कि अभी गवर्नमेंट चला रही है जब तक वह बिज़नैसमैन के पास से सब काम के लिये रुपया लेती रहेगी तबतक बिज़नेसमैन ठीक तौर पर नहीं चलेंगे। होता यह है कि जब हम इन्कमटैक्स लगाते हैं तो जो चैरिटीज़ (charities) के लिए कुछ देता है और उस पर रियायत करते हैं। एसा होता है कि जैसे गांधी फंड में कुछ अड़चन (Difficulty) होती है तो बिज़नेसमैन से पैसा लिया जाता है। हम लोग यहां इस तरह बिज़नेस मैन के पीछे पड़े हैं और जो कुछ बातें हम लोग यहां करते हैं उनपर बिज़नेसमैन हंसते हैं। वह कहते हैं कि अगर उनके पास एक डिवाइस (devise) है या सौ डिवाइसिज़ (devises) हैं तो हमारे पास १००० डिवाइसिज़ (devises) हैं।

मैंने बिज़नेसमैनों से पूछा और वे साफ़ साफ़ कहते हैं कि यह गवर्नमेंट हमारे साथ क्या कर सकती है, लेकिन मैं पूछता हूं कि जब हमारे देश की ऐसी अवस्था है तो हम लोगों को ज़रा सा यह ख्याल

नहीं करना चाहिये कि सभी मिलों को नेशनलाइज़ (nationalize) कर दिया जाय- अभी और फ़ौरन । कोई कहता है कि ऐसा करने से बहुत अड़चन पैदा हो जायगी और दुःख सहन करना पड़ेगा, लकिन मैं तो कम से कम राजी हूं ।

जब से उड़ीसा में गवर्नमेंट ने यह पौलिसी क़र दी कि चावल गवर्नमेंट लेगी और बाहर की मांग को पूरा करेगी तब से इतना भद्दा चावल उड़ीसा के लोगों को खाने को मिल रहा है कि कहा नहीं जा सकता है । उड़ीसा से चावल बंगाल को जाता है, बिहार को जाता है, मालाबार को जाता है—तो जहां भी उड़ीसा का चावल बाहर जाता वहां अच्छा चावल भेजा जाता है और उड़ीसा के लोगों को भद्दा चावल खाने को दिया जाता है । मैंने इसके बारे में मैजिस्ट्रेट (magistrate) से कहा कि उड़ीसा के लोगों को इस तरह का चावल क्यों दिया जाता है । उन्होंने कहा कि वह इस बारे में कुछ नहीं कर सकते हैं और यह काम सपलाई डिपार्टमेंट का है और वही बाटने से ताल्लुक रखता है । शायद अच्छा चावल कभी न रहा हो ।

जहां तक कंट्रोल का ताल्लुक है उसके बारे में मुझे बहुत दुःख है और मैं कहता हूं कि वह कंट्रोल एक दम खत्म होना चाहिये । मेरी सोसाइटी के सभापति श्रीमान् पंण्डित हृदयनाथ कुंजरू जी की राय है कि कंट्रोल रहना चाहिये । लकिन वह मेरे सभापति होते हुए भी मैं इतना कहना चाहता हूं कि कंट्रोल एकदम हटा दिया जाय, क्योंकि इसकी वजह से आदमियों को इतना खराब कर दिया है कि आदमी कुछ आदमी नहीं रह जाता है और नरक में यह चीज़ आदमी को पहुंचा देती है । इसलिए मैं कहता हूं कि कोई और उपाय नहीं है कि कम से कम हम सब मिलों को नेशनलाइज़ कर दें लेकिन गवर्नमेंट इससे डरती है । गवर्नमेंट को दूसरे प्लैनों (plans) की तरफ़ ध्यान देना चाहिये । महात्मा गांधी जी ने चर्खा चलाने की प्रथा सब जगह चलाई थी और महात्मा गांधी जी के जीवित समय तक तो खद्दर सब बनाते थे । आज हमारे प्रान्त में जो वीवर्स (weavers) हैं वे कहते हैं कि महात्मा गांधी जी के मर जाने से यह सब चीज़ मर गई है । कम से कम ३ लाख से ज्यादा वीवर्स (weavers) जो कपड़े बनाते थे आज उन्हों ने दूसरा प्रौफेसन (profession) शुरू कर दिया है । वे लोग इतना अच्छा काम करते थे कि जैसा कि मेरे मित्र श्री० विश्वनाथदास जी ने अभी कहा—गवर्नमेंट ने उनको किसी प्रकार का इनकरेजमेन्ट (encouragement) नहीं दिया और वे वीवर्स इसी हालत में रहे और कोई भी मदद सरकार की ओर से नहीं दी गई तो वे मर जायंगे ।

Mr. Speaker: The honourable member is drifting into something very wider. His point is that mere controls won't do; and that Government must move in some other directions, that seems to be his point ; he has sufficiently made that out. Will he come to the Bill now? There are only three or four minutes left.

श्री लक्ष्मीनारायण साहू : वाचस्पाति जी, मैं इस बिल का स्वागत करता हूं लेकिन स्वागत करते हुए मैं इतना कह देना चाहता हूं कि गवर्नमेंट को जोर देना चाहिये जैसा कि अभी मेरे मित्र श्री० शिब्बन लाल जी ने कहा कि पं० जवाहरलाल नेहरू जी ने कहा था कि जितने भी बड़े लोग, और कोई भी ब्लैकमारकेटिंग करते हैं उनको फांसी दी जायगी । मगर मैं कहना चाहता हूं कि आजतक किसी को भी फांसी नहीं दी गई है । इसलिए इस बिल की सिफ़ारिश करते हुए मैं गवर्नमेंट का ध्यान इस ओर दिलाना चाहता हूं कि जो आदमी दोषी हैं और जिसके बारे में गवर्नमेंट को मालूम है उसको पकड़ना चाहिये और उसको पूरी सज़ा मिलनी चाहिये ।

(English translation of the above speech).

Shri Lakshminarayan Sahu (Orissa: General): Mr. Speaker, Sir, I welcome this Bill. But while doing so, I would like to bring to the notice of the House certain matters. Firstly, who is responsible for all this trouble in the country? It looks as the Government is answerable, because if it properly runs its administration, people will not be put to any trouble. The proverb is "As the people, so the Government." Sometimes therefore it is felt that our Government is defective; if our people are blame worthy what can the Government do? Government is formed out of the people and therefore the proverb "as the people, so the Government" is quite true. It is therefore evident that the people of our country are not good and for this reason our Government too cannot function properly. I do admit this, but after all the Government is formed of the good and chosen people of the country and people expect some benefit from that Government. The impression of the common man about the work which the Government has so far done is that it has not done anything useful. I will narrate my own personal experience. First of all I would like to ask who are the black-marketeers? Is the seller alone a black-marketeer and not the buyer also? To me both of them are black-marketeers. The position is that one who needs does buy. If he does not, how can he otherwise do? Therefore, the Government should see that those who buy—who indulge in black-marketing are not harassed. My honourable friend Pandit Bhargava has stated that a person who commits a minor offence is also awarded the same punishment as is awarded to those who commit a major one. My honourable friend Professor Shibban Lal Saxena has rightly observed that the real culprit usually escapes, and the other persons who act as his underlings are arrested and sentenced to imprisonment. I have noticed that the businessmen have got a good number of underlings and they carry their business through them. Once it so happened that when a ban was imposed for the transport of rice from Ballasore to Calcutta, the businessmen used to smuggle rice in large quantities. Every businessman had employed an underling who was afraid of imprisonment, but the businessman exhorted him not to be afraid as Mahatma Gandhi himself had undergone imprisonment and therefore why should he be afraid?—What was there if he was awarded imprisonment for an year or so? I was hearing this talk. The person concerned has not yet been convicted. I come from Orissa. Once I bought paper from a shop. I had written to the Government that I required paper for running my office, but corruption is rampant from top to bottom, and I could never conceive of such a state of affairs. Ultimately I was able to secure six quires of paper after seeing the Civil Supplies Officer not only once but three or four times. What could I do then? I had to contact a black-marketeer and managed to purchase one ream of paper for Rs. 45. The quality of that paper was very thin. I wrote to the Civil Supplies Officer that since I could not get the paper, I had purchased a ream for Rs. 45 and on this he enquired from me if I had obtained any voucher in this connection. Fortunately I had obtained a voucher from that black-marketeer because I told him that he had charged me Rs. 45 and I being a public worker in the absence of any voucher, the office would doubt that I had kept something in my pocket. On these considerations I prevailed upon him to issue a voucher and he directed his other underling to issue a voucher. I was given a voucher. I sent the voucher to the Civil Supplies Officer for his information. He told me that he would surely prosecute the person and started a case against him. But what happened? After a few days the officer was transferred to Bihar. Thereafter we did our best and sent a telegram to the Governor asking for the postponement of his transfer order for sometime. As a result of this, he was detained for two months. The case was started but again he was transferred. No action was taken in that case and the voucher in question is still lying in the office. It has not as yet been returned. It is for this reason that I say that our Government is a black-marketeer.

Another matter which I would like to mention is that there is a Satyanarayan Library in Orissa from where several bales of cloth were recovered. The C.I.D. detected this after frantic efforts and everybody knows the black-marketeer and who is the owner of these goods. But a period of two years has elapsed and no action has since been taken. Goods are still lying and the Government does not institute a case for want of a claimant. Why does this happen at all when you have got the Police and the Investigation staff? I do say that this is being done purposely and would also tell the reason for it. So long as the present Congress Government continues to receive money from the businessmen for conducting all its affairs, the businessmen will not mend their ways. When we levy Income-tax, we have to give some relief to the person who contributes towards charitable institutions. Just as whenever any difficulty is experienced in the collection of money for Gandhi Fund, then the assistance of businessmen is invoked. The businessmen laugh at us for what we talk about them here. They claim to have many ways of escape. They frankly admit that they are very well aware of the methods in which this Government can deal with them. But may I know when our country is passing through such a crisis why should we not consider for a moment that all the mills should be nationalized forthwith? Some say that such a course will entail a good deal of difficulties and hardships but I for myself am quite aggreeable. Since the time the Government of Orissa declared its policy that the rice crop shall be procured by it for meeting the demands from outside, the people there are getting such an inferior quality of rice as beggars description. Orissa supplies rice to Bengal, Bihar and Malabar. Wherever the Orissa rice is exported, fine quality is sent while on the other hand the people in Orissa are given inferior rice to eat. I brought this to the notice of the Magistrate as to why such a quality of rice was given to the people of Orissa? In reply he told me that he could not take any action in the matter as this work related to the Supply Department who were responsible for its distribution. Possibly fine quality of rice was not available.

So far as control is concerned, it pains me very much and I would urge that this should be removed immediately. In the opinion of Pandit Hirday Nath Kunzru, Chairman of my Society, controls should continue. But with due deference to him I would like to say that controls should go atonce. This should be done because its existence has demoralized the people to such an extent that they have lost all sense of humanity and morality has gone down to its lowest ebb. I would therefore, assert that in the absence of an alternative, why should not the mills be nationalized? But the Government hesitates. The Government should consider other plans. Mahatma Gandhi introduced the *Charkha-spinning* everywhere and everyone produce *Khaddar* during his life-time. To-day the weavers in our Province say that all these things have vanished with Gandhiji's death. More than 3 lacs of weavers have taken to other professions. As has been stated by my honourable friend Mr. Biswanath Das, these people used to produce fine work. The Government have not given these weavers any sort of encouragement and they continue to live in the same conditions. If no help is given by the Government, they are likely to perish.

Mr. Speaker: The honourable member is drifting into something very wider. His point is that mere controls won't do; and that Government was moved in some other directions, that seems to be his point; he has sufficiently made that out. Will he come to the Bill now? There are only three or four minutes left.

Shri Lakshminarayan Sahu: Sir, I welcome this Bill. In addition, I would like to emphasize this too as my honourable friend Prof. Shibban Lal Saxena has stated that the Honourable Pandit Jawaharlal Nehru once went to the

[Shri Lakshminarayan Sahu]

length of saying that those big people indulging in black-marketing would be hanged. But the fact is that none has so far been hanged. Therefore, while supporting this Bill, I would like to invite the attention of the Government to the fact that the person who is guilty and it is in the knowledge of the Government, should be given the maximum punishment.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri B. P. Jhunjhunwala (Bihar: General): Mr. Speaker, Sir, this Bill is being introduced in order to increase the punishment that is already being meted out to the black-marketeers whenever they are arrested or sentenced. Sir, I have full sympathy for the sentiments which have been expressed by my honourable friends Professor Shibban Lal Saxena, Mr. Sidhva and Mr. Kamath. I shall not be sorry if the black-marketeer is punished in the way as has been provided in this Bill. But the whole question is as to whether there is any necessity for this increase in punishment. What are the materials before the Government on which they have come to the conclusion that the present Act which is in existence was not sufficient to prevent black-marketing? Have they been able to find any person who has been punished lightly and who repeated the black-marketing and therefore there was a case for a higher punishment. I would like to have such instances from the Honourable Minister for Industry and Supply, who is going to move this amendment.

Sir, I had no mind to speak on this Bill; but after hearing and being reminded of the instances to which I was an eye witness, I thought of enquiring from the Honourable Minister whether he thinks that in these cases there is sufficient reason for inflicting a higher punishment in order to prevent black-marketing. In the year 1943, when the anti-corruption drive was taken up by the Government, I was in one Sugar Factory. There was a Rice Mill there. There was very great difficulty in getting rice at a proper price. We made a complaint to the District Magistrate and the higher authorities concerned, stating that black-marketing is going on in rice with the result that the poor labourers are not getting rice at the proper price. As a result of our representations and requests, an officer was sent. He was an officer of the rank, I do not remember whether he was a Deputy Magistrate or a Sub-deputy Magistrate. He came and went round the place. We thought that he will detect something. In the evening, he went to a place in the villages *hats* are held every week or twice a week and all sorts of things, oil, matches, salt such other requirements and also rice, are sold to the people who live in these places. He caught hold of a woman aged 50 years, who was selling matches at half a pie higher than the control rate. She purchased them at three pice from the shop-keeper and she was selling at three and a half pice to the people and her profit was half a pice only. That was her profession. She used to come to every *hat*, sell these things and she was making her living thereby. In the evening, I enquired as to what the officer had done, so that we could get rice at the proper rate. That officer also came to see me. He said that he had caught hold of a few black-marketeers and one of them was the old woman mentioned already. I felt annoyed and enquired from him whether he had done anything as regards the rice mill man who is selling rice at a higher price. His reply was that he could not get any evidence against him. I said to him, did he not go to the market and enquire at what rate rice was being sold in the *hat*? He said, it was being sold at a higher rate and therefore he had caught hold of two or three peoples, of whom one was the old woman. I asked him, why did he not enquire at what rate they purchased the rice, where did they bring the rice from and why did he not try to locate the man from whom they

had purchased the rice. Then, he kept quiet. I reported this case to the Sub-Divisional Officer saying that these are the things which are going on and the poor old woman has been caught hold of and fined though he was sent for a much better work. He said that law is not a respector of persons. The District Magistrate happened to meet me one day and I told him these things. He was a European and at about eight o'clock in the night we were sitting and chatting amongst ourselves. He said that while we are not afraid of our superior officers, we are afraid of our subordinates and he was very sorry and would see if he could do any thing of which there was little hope. That is how things go on. I should like to know from the Honourable Minister whether the sentence of that old woman is going to be increased. I can give other cases within my own knowledge. In Bhagalpur a widow's home was searched at midnight, six or seven *saris* were found. Another evening a priests's house was searched and some *dhoties* given to him in *pitripaksha* were found and he was charged. But I intervened and no action was taken against them. Recently a friend of mine with three or four other people were going from Bhagalpur to Calcutta with 20 seers of ghee for their personal consumption. At Pakur station some police officers came and asked about it and they said that it was meant for their personal consumption. They said they were under the impression that one person could carry ten seers of ghee. The police officer, however, would not listen to them. The gentlemen said the police officer could take the ghee with him but he should give them a receipt. This the police officer would not give and there was an altercation. My friend pulled the chain and the Guard and other people came. The police officer wanted to arrest him but the Guard intervened and so these people were allowed to go, but no receipt was given for this ghee. They tried to find out what the present law is; I myself tried to find out from my friend Mr. Prabhu Dayal Himatsingka who is a Solicitor but he could not tell me. In Bhagalpur I tried to find out from the Magistrate and other officials but they also could not tell me. Sir, I will not cite other cases. I support the sentiments expressed by my friend Mr. Sahu who said that if a few real black-marketeers are hanged we will be happy. The real question is whether the actual black-marketeers are caught or whether these Acts and amendments are a mere show. Government go about telling people that they are passing laws and doing all that they can to stop black-marketing but the public must co-operate with them. Yes, it is the duty of the public to co-operate with Government and without that co-operation of the public they cannot do anything. But in the public are included the Government officials also.

Sir, I neither oppose the Bill nor support it.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I am thankful to the honourable members, who have spoken, for having placed before the House and Government their viewpoints so frankly and fully. I realise how anxious every honourable member is to see that Government take adequate steps to put an end to the present state of affairs which is not creditable either to Government or to the interests concerned or to the public at large. As I said while moving my motion, it is far from my intention to suggest that this simple amendment will secure all that we want to see done in the near future or in the distant future. This is only one of the steps which Government have thought fit to propose to the House for acceptance. I have not dealt with the question of control of other commodities; I have not dealt with foodgrains, and that for obvious reasons. At present foodgrains are not controlled; where they are controlled they are only partially controlled. What the policy of Government will be with regard to foodgrains is yet to be determined; and therefore it will be a mistake suddenly to come before the House with any amendment of the present provisions regarding the punishment of offences relating to foodgrains. I have therefore confined myself only to textile control.

[Dr. Syama Prasad Mookerjee]

Now it is not possible, nor is it necessary, to refer to every speaker separately, but I may just analyse the three or four main lines of criticisms which have been put before the House. The first is that this is a half-hearted measure, that this is not an adequate measure. Simultaneously it has been suggested that this may prove to be too drastic a measure. I believe what Government have done is something like a golden mean. Whether the measure is too drastic or not or whether it will be too inadequate or not will depend on how it is actually enforced in practice. Now it has been pointed out that there may be many cases where perhaps a sentence of imprisonment will not be necessary. There may be small offenders; there may be persons who may be guilty of only technical offences, and they should not be punished. We should rather concentrate our attention on those who commit big offences. I would ask the House to remember that there are a variety of things which Government or their officers may call upon the interests concerned to do under the Act. One honourable member in fact referred to section 3 which lays down the various matters in respect of which an order may be passed. You will see from the details of section 3 that this is more or less control of an integrated type; you cannot treat each matter separately. One particular obligation may look rather unimportant, but if you take the entire chain you will find that each link of it is of sufficient importance. For instance, my honourable friend Mr. Himatsingka said that there may be people who may be called upon only to put up in their shops a price-list. Suppose one fails to do it, is that a serious offence? There may be persons who may be called upon to disclose their entire stocks. He may be a small shopkeeper. Suppose he fails to do that; is it a big offence? Taken by itself neither of this is a big offence. But suppose hundreds and thousands of shopkeepers refuse to comply with the orders and refuse to let the public know what the prices are that Government have fixed. Obviously it then becomes a serious matter and if this is done in a deliberate fashion, then practically it may render the enforcement of the control order, nugatory. Supposing you find a large number of people refusing to disclose their stocks. Perhaps if it is one case, it does not matter. But if hundreds and thousands do that.....

Srijut Rohini Kumar Chaudhuri: All of them will be treated alike and sent to jail.

The Honourable Dr. Syama Prasad Mookerjee: We do not want anyone to be sent to jail for nothing. We want all those who come into the scheme to remember that Government means business; that Government would like that every one, whether a merchant or a millowner, a retailer or wholesaler, should try to follow the directions issued by the Government and co-operate with the Government. We have no intention of harrassing any one or of preventing the ordinary channels being completely immobilized. If everything is done honestly and in a straightforward fishion, there is no reason to suppose that Government will come forward and create difficulties for those who are trying to help the State and the Community.

What we want to say is this. There will be no scope for anyone to get away by paying some fine. If you commit an offence, an offence which is proved before a Court of law, then imprisonment will be a compulsory punishment. Then confiscation will also come, fine may come if the Court considers that a fine in addition is necessary.

Some members asked, and rightly asked: supposing it is a minor technical offence. Would you send a person to jail? The reply was given by one member that it is not intended that that person should be sent to jail for punishment but may be detained till the rising of the Court. In cases of a trivial

nature proceedings will not be started. The person concerned will receive a warning and will be told: "Now look here, you have not complied with this order. We are not taking any action against you this time. We hope you will behave better next time." If the man fails again, proceedings may start. If in a case proceedings are not started because of the minor nature of the offence committed, then of course the matter does not come to a Court of law. But when proceedings start and the matter comes to a Court of law; the accused will be given facilities for putting forward his defence, and when the Court is convinced that it is a case which is genuine, then the punishment to be awarded will follow the provisions of the Act. With regard to textile control, the Government and the Legislature want that the punishment shall be imprisonment. There will be no question of discretion being exercised.

Some members asked: What is the total number of cases that have taken place during the last few months? As the House is aware, from the 20th January up to 31st July, there was no control. So during the last eight months there has not been any case. Cases took place at an earlier period in the provinces. I have not the record here. But it is common knowledge that many cases have taken place where the Court has just given a small sentence of a fine and has let the culprits go away. Take cases of smuggling. They were all offences against the Textile Control Order. Now, there, the punishment that the Court awarded in each case was some fine, or in some cases some stocks were frozen. But if the Court knew that the policy of the State is that the severest notice should be taken of such offences, I am sure the whole atmosphere might have changed to the advantage of the people and the country. It is not the intention of Government to harass honest dealers. But it is the intention and policy of Government, which I hope has the unanimous backing of all sections of the House, that punishment should be such that those who want to commit these offences will think twice before they go and commit such an offence.

Members ask if this will affect the big millowners? It will affect everyone. If you will look at section 3 you will see that all the orders which can be issued under this Act will be covered by this. If there is a particular millowner who deliberately flouts the order then he cannot merely pay Rs. 10 lakhs and run away. The sentence of imprisonment will come automatically and there are classes of people who are still afraid of going to jail because of a certain stigma which will attach to them for having committed an offence against public order and public morality.

Mr. Prabhu Dayal Himatsingka raised one important point, namely, that these orders are not easily available. Well, I believe that it is so. The orders may not be available. I shall however see to it that whatever orders are issued and the statutory rules which are framed thereunder intended for public notification, they are printed and made available. We shall write to the provinces about this also.

Prof. Shibban Lal Saksena: Will they be laid on the table of the House?

The Honourable Dr. Syama Prasad Mookerjee: It will be available to every member of the House interested in them. It may be placed on the table of the Library.

There was one suggestion about confiscation. It is proposed that the entire stocks will be confiscated. It has been suggested to me that it may be that even for some offence which may not be of so serious a nature, the Court will find it obligatory to confiscate the entire stocks, and perhaps with regard to this matter, the Court might be given an option. The Court may confiscate either the stock in its entirety or a part of it. When the amendment comes up and it is proposed, I am prepared to consider it. With the exception of that,

[Dr. Syama Prasad Mookerjee]

I would ask the House for full co-operation not only in placing this Bill on the Statute Book but in giving effect to it.

Srijut Rohini Kumar Chaudhuri: What about section 562 of the Criminal Procedure Code which gives the court a discretion to take action instead of sending a person to jail?

The Honourable Dr. Syama Prasad Mookerjee: I do not know whether section 562 will apply in this case.

Srijut Rohini Kumar Chaudhuri: Sub-section (1) will apply.

The Honourable Dr. Syama Prasad Mookerjee: That will have to be argued in a court of law. I am not in a position to give a ruling. However, if it is legal, it will be: if it is not, it will not be applicable.

Srijut Rohini Kumar Chaudhuri: My point is this: if you are really interested in sending every offender to jail, you must make it clear that section 562 will not be applicable. If you want to leave a loophole you can keep the law as it is. If your intention is that every one is liable to a sentence of imprisonment you must make it clear.

The Honourable Dr. Syama Prasad Mookerjee: I do not think we can amend.

Shri H. V. Kamath: The minimum sentence will be till the rising of the court.

Mr. Speaker: I think we are not amending the Criminal Procedure Code. The law as it is will apply.

The Honourable Dr. Syama Prasad Mookerjee: There is no intention to amend the Criminal Procedure Code.

One question was raised which was of some importance. I need not go into the details here. It is the question of policy in regard to textile control. It is suggested that Government should take steps to secure that there is full control imposed at the production stage. This is a matter which Government have taken into consideration and I am sure when the steps which the Government have taken are announced for the information of the public and members of the House, they will be satisfied that Government have not lagged behind in implementing the textile policy which has been already announced.

Mr. Speaker: The question is:

"That the Bill to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

The motion was adopted.

Mr. Speaker: In view of the very elaborate discussion that we have had on the general policy and the desirability or otherwise of enhancing the sentences proposed, I do not propose to allow any speeches on the amendments. The amendments may simply be moved and I shall immediately put them to vote. That is the procedure which I propose to follow.....

3 P. M.

Shri H. V. Kamath: What about the other amendments.....

Mr. Speaker: All that has been referred to in the speeches. We have practically had a discussion on them also. I was proposing discussion either at the amendments stage or at the consideration stage. Honourable members preferred to have the discussion at the consideration stage; and so if we have speeches again, we shall be having discussions twice over. There are two amendments one by Mr. Naziruddin Ahmad and another by Prof. Shibban Lal Saksena and there are also two amendments by Mr. Kamath on two different parts of the clause regarding the use of the words "His Majesty". I would just invite the attention of honourable members to the fact that the words

"His Majesty" are used in the main section itself in sub-section (1) and this is a proviso to that sub-section. I do not see any escape from the use of that expression and so the need is quite clear. Honourable members will see that sub-clause (1) reads:

"If the order so provides, any court trying such contravention may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to His Majesty."

So the phraseology used in the main clause is "forfeited to his Majesty".....

Mr. Nazirudin Ahmad: Sir, the existing part of sub-section (1) was enacted in 1946. At that time the expression "forfeited to His Majesty" would have been perfectly proper. Today we are enacting a proviso. The question is whether in the present-day context the expression should be "forfeited to His Majesty". The effect of passing the sub-section in 1946 would be that it should be forfeited to the successor of His Majesty.

Mr. Speaker: The point is very clear. Even though the situation has changed, constitutionally we are still a Dominion and the expression "forfeited to His Majesty" does not conflict even with the consitutional position today. Later on if and when we cease to be a Dominion, we shall adapt legislation suitably. The point is not worth arguing at all. As I said, you cannot use different expressions and if honourable members should persist, I think I shall have to rule the amendments out of order as being inconsistent with the first part of the section.

The Honourable Dr. Syama Prasad Mookerjee: May I point out one thing, Sir. In the Government of India Act as adapted Section 174 deals with forfeiture of properties which vest in the Government and there the expression used is "His Majesty" and that is why we had to use it.

Mr. Speaker: The point is more sentimental than substantial and if honourable members' sentiment is not satisfied even after the explanation, I am prepared to rule the amendments out of order as being inconsistent with the main clause.

Shri H. V. Kamath: On a point of information, Sir, suppose we bring an amending Bill after we go out of the British Commonwealth, what will be the position then?

Mr. Speaker: I shall dispose of the question by saying that the question is hypothetical and we will decide it, when it arises. So I take it that honourable members will not move their amendments about the use of the words "His Majesty."

Shri H. V. Kamath: Sir, as regards part (b) of clause 2, the Honourable Minister stated that regarding foodstuffs the position will not be changed now and that Government is examining the position. Therefore at this stage I would not press my amendment.

Mr. Speaker: The other amendment of Mr. Kamath seems to be unnecessary. He will see that even under clause 6, the court has power of making an order in respect of only a part of the property.

Shri H. V. Kamath: I want to know from the Honourable Minister whether the construction in my amendment is not better than the original wording.

Mr. Speaker: Mr. Kamath is not a draftsman and therefore it is not likely that his amendment will be accepted. In any case, it will not be moved. Then Prof. Saksena's amendment remains relating to part (b) which refers to food

Prof. Shibban Lal Saksena: Sir, the Honourable Minister said that they have not made their decision about the food policy. I do not know whether part (b) will remain on the Statute Book as it is and will be enforced or it will be changed.

The Honourable Dr. Syama Prasad Mookerjee: So far as foodstuff is concerned the present law is to continue.

Prof. Shibban Lal Saksena: May I know when it is likely to be changed?

The Honourable Shri Jairamdas Doulatram (Minister for Food and Agriculture): Since the whole food question is under review, all these changes might be suggested when the matter comes up for consideration.

Mr. Speaker: Any infringement in connection with the control of foodstuffs might be considered after the Government has considered and announced its food policy.

Shri H. V. Kamath: When can we expect that legislation?

The Honourable Shri Jairamdas Doulatram: It is difficult for me to say but I suppose it will not take long before a decision on policy is made.

Prof. Shibban Lal Saksena: In view of that, Sir, I do not propose to move my amendment.

Mr. Speaker: Then there is the other amendment of Prof. Shibban Lal Saksena, amendment No. 5. It seems that there is some misunderstanding on his part.....

Prof. Shibban Lal Saksena: Sir, I will not move it.

Mr. Speaker: That disposes of all the amendments except one which is in the names of Messrs Santhanam, Krishnamachari and Ramalingam Chettiar. I understand that the Honourable Minister has promised to consider the amendment. If it is a substantially agreed amendment, I shall put it to the House.

Shri T. T. Krishnamachari (Madras: General): Sir, I move:

"That in clause 2 of the Bill, in part (a) (ii) of the proposed Proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'contravened', the words 'or such part of it as the Court may deem fit' be inserted."

Actually the sub-clause would read like this:

"direct that any property in respect of which the order has been contravened or such part of it as the Court may deem fit shall be forfeited to His Majesty."

Mr. Speaker: Amendment moved:

"That in clause 2 of the Bill, in part (a) (ii) of the proposed Proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'contravened', the words 'or such part of it as the Court may deem fit' be inserted."

If the amendment is accepted the sub-clause will read like this:

"direct that any property in respect of which the order has been contravened or such part of it as the Court may deem fit shall be forfeited to His Majesty."

The idea is that the Court shall give a sentence of imprisonment which may extend to three years; and the other compulsory part, as the section stands now, is a forfeiture of the entire property in respect of which there has been a contravention. The amendment seeks to give the Court the power that, the forfeiture may be of the entire property or a part of the property.

The difficulty seems to have been, as pointed out during the course of the discussion by one of the members that, supposing a board of rates is not hung up in a shop which consists of goods of the value of a lakh of rupees, if the section stands as it is today, the Court must order the forfeiture of the entire stock in the shop extending to the extent of Rs. 1 lakh, for the little fault of failure to hang up the rates. The amendment seeks to give the Court a discretion to see whether the particular offence deserves the forfeiture of the entire stock of Rs. 1 lakh or a part of it. That seems to be the object of the amendment.

Shri T. T. Krishnamachari: Yes, Sir.

Pandit Thakur Das Bhargava: There is no doubt that the amendment is an improvement upon the present position as you have pointed out, Sir. But at

the same time there are many offences in respect of which no property should be confiscated.

Mr. Speaker: I may state to the honourable member that the expression "or such part of it as the Court may deem fit" will cover it and the forfeiture may extend from one rupee to a lakh of rupees.

Mr. R. K. Sidhva: What you say is absolutely correct and there is no doubt that it is an improvement upon the present position. But there may be a loophole. The Court may feel that the intention of the Government is that they may not confiscate the whole property even in a serious offence and they may confiscate a part of it. It might cut both ways.

An Honourable Member: You must trust your own officers.

Mr. R. K. Sidhva: It is not a question of trusting the officers.

Shri T. T. Krishnamachari: There might be a departmental store where several kinds of goods are kept and they might keep, several kinds of textiles as well. If they commit an offence under the Textile Control Order there will be no discretion left to the Magistrate to seize only those class of textiles that are concerned in the offence and not to seize all the other goods in the shop.

Shri M. Ananthasayanam Ayyangar (Madras: General): Mr. Sidhva feels that the Magistrate may impose only a nominal fine. We will assume that he has made up his mind. But Mr. Sidhva stands in his way, and he will acquit him. It will be worse.

Pandit Thakur Das Bhargava: Imprisonment is compulsory under the previous part. In a typical case, suppose a person is asked to produce his accounts before a particular officer. Suppose the order is that the accounts or some statistical information should be produced and the shopkeeper has failed to produce it. Even then it will be necessary to confiscate some part of his property. My humble submission is that this provision, so far as it goes, gives the Court power to do justice; but at the same time it obliges the court to do more than justice *i.e.* tyranny. The sentence of imprisonment is more than enough. In my opinion, in a technical case of this nature, when it is mere omission to produce certain accounts, even the award of imprisonment is harsh. And when there is already a provision like this, there is no reason why we should provide that the property should be confiscated—which property was never used in connection with this matter and which has no relation to the offence in question. The proper course in my humble opinion is not to make an amendment of this nature but to keep the Bill over till Monday so that the right thing may be done in this matter. We cannot arm the court with such a power. The textile order may be of a varied character. It may contain many other orders which may be absolutely technical in their nature. When you are making the award of imprisonment compulsory, you should not make it compulsory that the property also, in part or substantially, should be confiscated.

Prof. Shibban Lal Saksena: I strongly oppose the amendment. I do not see the argument and the reasons given by my honourable friend Pandit Thakur Das Bhargava that this kind of provision is needed. What will happen is this. If the Court is given the discretion in the matter, there will be cloth traders who will employ agents to bring cloth; while they will be convicted and they will go to jail, the cloth smuggled will not be forfeited by obliging Magistrate and the traders will get much more profit by importing smuggled cloth.

Mr. Speaker: I do not know whether the honourable member, Professor Shibban Lal Saksena, has ever practiced law. I think he is not conversant with the Courts.

Prof. Shibban Lal Saksena: I am conversant with the Courts.

An Honourable Member: He has had many convictions.

Mr. Speaker: I would earnestly urge him to leave the matter to people who have appeared in courts and who know as to how the courts deal with these matters.

An Honourable Member: He has appeared in the court as accused.

Mr. Speaker: I am perhaps going into the merits and details which I doubt whether I should or should not. But I might say that, the best course would be to leave it to judicial discretion. The courts will exercise judicial discretion. In case the law is sought to be tightened too much, my experience has been that the tendency of the court is to hold that the offence is not proved. Whenever it affects the conscience of the court, that there is too much of punishment for a small technical offence, the tendency of the court, as a human being, is always to hold that the offence is not proved. I think we might steer clear between the two courses and keep the provision as elastic as possible, and leave the matter to the court, as a human being. If we try to be very stringent one does not know whether prosecutions will at all be launched by the executive. These are the two difficulties. Therefore it is better to leave it in the form it is put. Of course it is left to the honourable member's choice.

Mr. Naziruddin Ahmad: The difficulty is in the expression "property in respect of which the Order has been contravened" and that is why we have to provide safeguards. I would suggest to the Honourable Minister whether he will reconsider the matter and adopt a different phraseology in the place of "property in respect of which the Order has been contravened" so that mere technical violations will not come within the mischief of this compulsory imprisonment.

Mr. Speaker: What is it that the honourable member is suggesting?

Mr. Naziruddin Ahmad: I am suggesting him to reconsider the matter. It is really a difficult matter and I am not on the spur of the moment able to suggest the phraseology.

Mr. Speaker: Suppose the Textile Control Order is violated. Now, there may be various goods in a shop. The question is in the event of a violation of the order what is to be confiscated? Not the entire property of the person who commits the offence.

Mr. Naziruddin Ahmad: There is a difficulty.

Mr. Speaker: The real difficulty is removed by the expression 'or such part of it as the Court may deem fit'. I think under the circumstances we may proceed further with it. I take it that the Minister accepts the amendment.

The Honourable Dr. Syama Prasad Mookerjee: I accept it.

Mr. Speaker: It is on that basis that I have waived notice of the amendment.

The question is:

"That in clause 2 of the Bill, in part (a) (ii) of the proposed Proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'contravened', the words 'or such part of it as the Court may deem fit' be inserted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The Honourable Dr. John Matthai (Minister for Railways and Transport): Sir, I move:

"That the Bill further to amend the Indian Railways Act, 1890, (Second Amendment), as reported by the Select Committee, be taken into consideration."

Sir, in making this motion, all that I propose to do is to summarize very briefly the changes which the Select Committee has made in the provisions of the draft Bill which I placed before the House a fortnight ago.

One of the main changes which the Select Committee has made in the provisions of the draft Bill is that the whole of the section has been omitted which deals with the appointment of Claims Commissioners for dealing with claims which arise from accidents to passengers. The reason for omitting it is this. The Select Committee felt, when they examined the provisions regarding Claims Commissioners in the draft Bill, that the question of the disposal of claims raised certain fundamental issues which would require much longer consideration than the Select Committee, within the limited time at its disposal, could afford to give.

One of these issues, probably the most important, which the Select Committee considered is that in the law as it stands at present, the claim for compensation in respect of injury or death is a claim that the Railways have to meet independently of any consideration of default or negligence on the part of the Railways. While that is so, the law as it stands at present fixes a maximum limit of Rs. 10,000 per person to the amount which may be claimed as damages. Therefore, even if a particular party was in a position to prove negligence on the part of the Railways, the total amount that that party could get by way of damages would not exceed Rs. 10,000. The question therefore arose whether it was not an infringement of one of the fundamental principles of the law of Torts.

I have been at some pains to examine the origin of the present provision regarding claims arising out of accidents. The position as it stands at present is the result of the serious railway accident that happened several years ago, the Bihta accident. In examining the claims in respect of accidents that arose out of that disaster, Government felt that in the public interest it was perhaps more important that every person who suffered injury or death should receive compensation independently of negligence or default on the part of the Railways, than that only those who were in a position to go to a court of law and establish negligence on the part of the Railways should be entitled to claim compensation.

The line that Government took was this. Government said, "We would put no limit to the number of claims that may be made based on proved negligence by Railways. In that way the aggregate liability on the Railways would be considerably extended. But in order to put a limit on the public expenditure that would be incurred under this head, we would fix a limit to the amount that could be claimed as compensation by each party who has suffered death or injury". It was on a balancing of these two considerations that they decided to introduce this particular provision. The Select Committee, however, felt this was an important matter which required to be gone into more fully. For that reason they decided that that part of the draft Bill which relates to Claims Commissioners should be held over and made the subject of separate legislation at a later stage. On behalf of Government I accepted the suggestion made by the Select Committee because I think in many respects it is a sound suggestion.

[Dr. John Matthai.]

Another important change that the Select Committee has made is in regard to the power that the draft Bill vested in the Tribunal in respect of increases in freight rates on commodities. This is a point which was raised in the discussion on the original motion, by my honourable friend Pandit Kunzru who took the line that it was not altogether in the public interest that Government should divest themselves of the power to increase freight rates on commodities because occasions may arise when it might be necessary, for financial reasons, that the Railways should be in a position to raise more revenue, and that it should not be left to an external authority like this Tribunal to determine the question. It is for Government and the Legislature to decide whether increases under those circumstances should be sanctioned or not. The grounds on which Government decided to introduce the relevant provision in the draft Bill were explained by me in the House, and I made it perfectly clear that I kept an open mind on that issue. The Select Committee on the whole accepted the considerations put forward by Pandit Kunzru and therefore a change has been made in the Bill as revised by the Select Committee.

Briefly, the position, as the Bill has emerged from Select Committee, is that in regard to questions relating to variations in the general level of freight rates, power is vested in the Central Government alone. But where the question is one of increasing the rate on a particular commodity, power is vested in the Tribunal, of course on application by the Central Government. Therefore, at present the provision in the draft Bill is briefly that both the Central Government and the Tribunal can consider lowering rates, but it is only the Central Government who can increase the geneal level of class rates or schedule rates or other rates. But when it comes to the question of re-classifying a commodity in a higher class, that is to say, transfering a commodity from a class that bears a lower rate to a class that bears a higher rate, it can be determined only by the Tribunal. That is roughly the position.

Then Pandit Kunzru in the course of the debate raised also the question of terminal charges. The point that he made was that terminal charges as they stand at present are standardised, that is to say, have been placed on a uniform basis independently of local considerations. Terminal charges bear a certain proportion to the general level of rates. The question therefore arises whether it is possible to raise the issue of unreasonableness in regard to terminal charges which have been fixed on a uniform basis independently of local conditions, and if the point were raised whether it would be possible for a Tribunal to decide the point on a logical basis. That point was put before the Select Committee and the Select Committee accepted Pandit Kunzru's proposal. Therefore, in the Bill as it stands the provision in regard to terminal charges, namely, Section 41(c) excludes terminal charges which are or may hereafter be standardised. That is an important change which the Select Committee have made in the draft Bill.

I should like to refer to a few other matters in which the Select Committee have made changes. The members of the Tribunal are to be assisted in these investigations by assessors. The way in which the assessors are appointed is that a Panel is drawn up, consisting of people representing trade and industry, as the provision stood in the draft Bill, and another Panel consisting of people with railway experience. The point was raised in the Select Committee whether agriculture should not receive representation on this Panel and the Select Committee, on careful consideration, decided that agriculture also should be represented on the Panel. The revised provision therefore is that the Panel is to consist of members representing trade, industry and agriculture in equal numbers.

Another provision in regard to which a change has been made is that in the draft Bill it was suggested that where a question did not involve an issue of

principle, it might be disposed of by a single member. The question arose as to what exactly would be the position if after a single Bench had started investigation and in the course of the investigation found that there was a question of principle which was missed when the first reference was made. It was decided, in order to meet a situation of that kind, that where a single Bench finds in the course of its investigation that there is a question of principle involved, it would be open to that single Bench to refer the matter to the president of the Tribunal for him to determine whether there is a question of principle, and if he so determines it, to refer it to a full Bench.

The last point in regard to which a substantial change has been made is with regard to the provision for appeal. In the draft Bill the decision of the Tribunal was final. In the Bill as it has been revised by the Select Committee there is provision for appeal to this extent that from the decision of a single Bench it is open to a party to ask for an appeal to the full Bench. It is for the single Bench to determine whether there is a case for appeal and if it certifies there is, an appeal would lie to the full Bench.

Now, Sir, that substantially is the position as it has resulted from the discussions in the Select Committee. Since the report was drawn up and submitted to the House, on a further review, it was found by the Ministries concerned—the Ministry of Law and the Ministry of Railways—that there were certain verbal changes and certain changes of a purely technical character which require consideration by the House. These verbal and technical changes have been put together in the form of amendments which have been tabled by my honourable friend, Mr. Santhanam. They are all verbal changes and changes of a technical character which do not affect the substance of the Bill. I may say in advance that it is my intention to accept them *in toto*.

With these few words, Sir, I would commend the Bill for the consideration of the House.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Indian Railways Act, 1890, (Second Amendment), as reported by the Select Committee, be taken into consideration."

Shri Biswanath Das (Orissa: General): Sir, my honourable friend the Minister in charge of Transport and Railways has just now explained to the House the various changes and specially the important ones brought in by the Select Committee. I have appended a Minute of Dissent stating clearly therein the reasons why I have dissented from the views of the Select Committee. I feel very strongly that a Rates Tribunal in the nature of a Tribunal is unnecessary and undesirable. Railways are one of our most important industries in India. It has given us very little return for the last twenty years or more despite the recommendations of Committees and Commissions. What to speak of return, just a few months back we have accepted and approved a proposal from the Railway Ministry for enhancement of taxation in the sense that we have agreed to an enhancement of fares and rates. That being the position, I strongly appeal to honourable members of this House that nothing in this regard should be done by us to open any fresh channel for the Administration to detract from its responsibility which they owe to this House. Railways in India, unlike Railways in England or U. S. A. or other countries, are State-managed and State-owned. They are full-fledged national industries. Therefore, the conditions that exist in England or America may not be applicable to Indian conditions or Indian Railway Administration. The Railway Administration has to be seen from a distinct and different point of view, because you have got a Railway Board which is responsible for the Administration of the Railways and the Railway Ministry supervises the Railway Administration and through the Railway Ministry we exercise our influence to make it popular and responsible to the needs of the people of this

[Shri Biswanath Das]

country. The Railway Rates Tribunal is an institution for which agitation was going on since 1930 and I find there was certainly need in those days for one, because the Government of the day was not responsible. I find from the report of the Acworth Committee that they have recommended a Tribunal more or less on the lines of Great Britain, namely, that while the Rates Tribunal in England is practically a court having original jurisdiction and people have a right to make an appeal to appellate courts, in the case of the Tribunal recommended by the Acworth Committee they desired to have it as the court of records and then appeal may lie not to any superior Tribunal or court but to the Governor General-in-Council. That was the recommendation of the Acworth Committee. Sir, after that another Committee has sat over the administration of the Railways and they have also recommended certain things, and their recommendations do not of course justify the constitution of a Tribunal, as it is proposed today. My objection against the constitution of the Tribunal are two-fold. The first is, as has been stated by my honourable friend Pandit Kunzru with his ability and eloquence, the undesirability of the step undertaken, because it is practically yielding to an outside authority the power and responsibility which the Government themselves ought to exercise. Sir, my second objection is that this opens a wide escape channel, if I may call it, for the Ministry. I do not go so far as to say that my honourable friend, Dr. Matthai would take recourse to such a channel, but it cannot always be that Dr. Matthai will be always with us as a Minister for Transport and Railways. Therefore, whosoever be the Minister or the party in power, the fact remains that railways are the national property and as such a concern of the nation and of the National Government. Under these circumstances, I do not see any reason why a Tribunal should be appointed for this purpose. Sir, whatever the decision may be for the constitution of a Tribunal before, now the Railway Administration has shown its anxiety and sincerity to help trade and business in this country by bringing forward standardized rates. After the drawing up of standardized rates, to me it seems that a Rates Tribunal, as is contemplated in this Bill, is not only unnecessary, but highly expensive and will delay matters to an enormous extent. Sir, it is not only a question of a Tribunal. The Select Committee has evolved a procedure for appeals, appeals not to any superior court but to the very body and in attempting to draw a distinction between single member decisions and a full Tribunal decision, they have made the process cumbersome complex, and dilatory.

[*At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker* (*Shri M. Ananthasayanam Ayyangar.*)]

Under these circumstances, I feel, Sir, that the Tribunal as it is constituted under this Bill is neither necessary nor helpful nor could it be conducive to the well-being of trade or industry in this country. Sir, if trade and industry in this country has to be helped, it is and bound to be the concern of the National Government. The British Government has gone, has gone for good and no more outside influences are at work, or at all to be hoped to be at work. Therefore in this country the national trade and industry is to be developed, it is and bound to be the concern of the National Government, and more so of the Ministry of Railways and Transport. Therefore, if reduction of rates anywhere is necessary, it should receive representations from the concerned trade and industry and must take necessary decision. Their anxiety has been apparent from the very fact that soon after the inception of responsibility, they have come forward with standard rates. Therefore, while taking note of their sincerity of purpose to help trade and industry and also business, I would join issue with them and with the Honourable Minister in charge of the Department when he proposes to come forward with a bill for handing over the authority and responsibility of the Government to an outside body, the setting of a

Tribunal whose decisions shall be binding both on the Government and on the trade and industries. Sir, I do not know how such a Tribunal will be useful and helpful to the industries and trade. It may be that trade and industries may not get any relief whatsoever from this Tribunal.

And then if the costs of operations have to be taken into account, then, I am afraid this Tribunal will have to go through the budget of the entire Railways. Otherwise it will not be possible for them to have a full idea as to the costs of operations in the Railways. Sir, I have already stated and I repeat that Railways in this country have not at all been useful to the people of the country. Sir, they have neither been useful to agriculture nor have they been useful to trade and industry, so far. Of course, I expect my honourable friend to evolve altogether a different policy and line of action. Today if you examine the conveniences—of course I am yet to see the standard rates—from the past rates I have known that countries outside India were getting all the preferences and advantages that they could possibly have. Even the agriculture in Australia, the food cultivators in Australia are far better off. The wheat growers of Australia, Canada and all other Dominions were far better off than the cultivators in India. That was past history and the sooner we forget, the better. Therefore, under the new dispensation, I wait to see a better state of things under the changed conditions and in the new set up. That being the position, I find there is absolutely no justification for a Rates Tribunal.

Having stated my objections, I now proceed to say that the Tribunal that is proposed may be acceptable and useful if its constitution is modified in a manner which would be acceptable to the House. Now, let me indicate the manner in which I would like the constitution to be amended. Let them give free thought to any representation they may get from trade and industry at the first court; let the appellate decision lie with the Governor General, so that the Minister in-charge of Transport will be in fact, though not in law, the appellate authority, the Ministry which is responsible to this House and through this House to the people of India in general. Sir, I could give all my confidence to the Ministry rather than to a Tribunal, because the Ministry is responsible to me. I can bring the matter before the Ministry or before the Standing Railway Advisory Committee, failing which in the last resort before this House. Under these circumstances, I do not see why the cumbrous process of appeals should be accepted as has been designed by the Select Committee. You cannot have two forums unless you want unnecessary waste of time and money: two forums in the sense, you have got already a forum the Assembly and a miniature body of this Assembly in the Standing Railway Advisory Committee. These are competent authorities and responsible bodies. We can place the grievances before the Ministry, the grievances of trade and industry as also of the travelling public. Day in and day out, we are thrashing on the floor of the House questions, important and unimportant and even unnecessary questions. Why should we think that that important issues will not be taken up by the honourable members in this House? In view of these facts, I appeal to the honourable members of this House to see that unnecessary Tribunals and expensive ways of disposing of matters should be avoided as far as possible, because we have to meet the expenses and pay the bill. Having got this important forums, why then go in for this Tribunal? I would appeal to my honourable friends to vote against this forum or in the alternative to do away with the cumbrous procedure of appeals and entrust the Governor-General with the final say in the matter.

One word more, Sir, and I shall have done. Let me state to the honourable members of this House that the British Acts are of no avail whatsoever, much less the American Acts. Because, in America all the railways are private owned, and therefore there is a just case for a Tribunal to adjudicate on

[Shri Biswanath Das]
matters between the ordinary citizen or trade and commerce as different from the Transport authority which is absolutely a private body, not under the direct or indirect control of the Government. Similar is the case in England where most of the transport services are still in the hands of private owners. Therefore, the British Acts and British precedents much less American Acts and American precedents do not help us in this regard. With these few words, let me hope that the Assembly will take a reasonable view of the matter.

Prof. Shibban Lal Saksena (U. P.: General): Sir, I was surprised at what my honourable friend Mr. Biswanath Das has said. He was a member of the Select Committee and has signed a minute of dissent. I, too, was on the Select Committee and have signed this report. I commend to the House the Report of the Select Committee and it is my duty to oppose the minute of dissent appended by my honourable friend Mr. Biswanath Das which he has placed before the House.

I could not understand the argument of my honourable friend when he says that there was a need for a Railway Rates Tribunal when India was not free, but now because we are free, there is no need for a Tribunal. I would read out some of the functions of the Tribunal. Section 41 runs as follows:

"Any complaint against a railway administration, or jointly against two or more railway administrations that such administration or administrations is or are—

(a) contravening the provisions of section 28; or

(b) charging—

(i) unreasonable rates, or

(ii) rates which are unreasonable by reason of any condition attached to them regarding minimum weight, packing, assumption of risk or any other matter; or

(c) levying unreasonable charges excluding terminal charges which are or may hereafter be, standardised; or

(d) unreasonably refusing—

(i) to quote a new station to station rate, or

(ii) to grant an alternative owner's risk rate; or

(e) unreasonably placed a commodity in a higher class shall be heard and decided by the Tribunal in accordance with the provisions of this Chapter."

Sir, these are the main functions of the Tribunal. My honourable friend agrees that there is need for such a Tribunal in England and America because there the railways are privately owned. He thinks that because the Government here is national, there is no need for a Tribunal. Does he mean that the Honourable Dr. Matthai will always sit as the Tribunal to receive every complaint about the unreasonable rates or unreasonably refusing to quote a different rate and all these things. He has said that there is a miniature body of this legislature called the Central Advisory Council.

Shri Biswanath Das: May I say one word of explanation? After the standardisation of rates, all these objections would have disappeared.

Prof. Shibban Lal Saksena: Does he mean to say that the Central Advisory Council will always sit in session to receive complaints? I personally think that this tribunal will itself be a part of the Government. This National Government, People's Government will only be delegating some of its powers to the Tribunal which it has nominated, to give the public the fullest opportunity to place their complaints and their grievances before it. The Tribunal will therefore be only a wing of the Government and it will be helping the Government in the decision of the disputes so that people may have full confidence in the Government. I could not follow the argument that because in America the companies are privately owned, it is necessary there and not here. There too, I think there is perfect liaison between the

management and the Government. Here also, the Railway Board is to the public as much a privately owned company as in England. The same arguments which apply to the British Government to have a Rates Tribunal, apply here also. He has himself stated that the Acworth Committee in 1920 recommended a Rates Tribunal. It is only after 28 years that this House, after coming into its own, has given the public this much-needed forum to thrash out their grievances and to give them justice and to see that the administration of railways is efficient. At present, if this Bill is shelved, what would happen? The Honourable Dr. Matthai will have to appoint some officer to receive the complaints and he will have to decide them. The Minister cannot look into them. The Governor-General has got much more useful work to do than deciding appeals about Rates of Commodities. That officer whom he will appoint will act according to his whims, and the public will not have an opportunity of placing their facts, viewpoints and arguments before this officer. Here we shall have a judicial Tribunal with a High Court Judge on it; a body of great integrity and responsible to the Government which appoints it. It will receive evidence and sift it and look into things and then give a decision. That means that the railway law will be administered here in a proper way which will satisfy the public and win their confidence. I think the argument of my friend Mr. Biswanath Das is wholly misconceived. I do not know why he is so afraid of this Tribunal. He has talked of expense. I think any officer who will dispose of these cases will have to be paid; only in that case there will be dissatisfaction of the public who will have no opportunity of stating their complaints.

4 P. M.

Then there will be assessors appointed, assessors of the railways knowing the administration as well as of trade, commerce and industry. All these people will be helpful to the Tribunal in doing justice and administering the law as this House wants it to be administered. I therefore think that this is a very important Bill. It has come 28 years after being recommended by the Acworth Committee. My Honourable friend Mr. Biswanath Das's objection is misconceived. Perhaps he thinks that this Tribunal will be a part of Government. But Government will only be appointing it; the Tribunal will be given full authority to decide cases according to their judgment. They will surely appoint the best men who will not make mistakes. Therefore there is nothing to fear about it. Government, like the democratic Government that they are, do not want to exercise power themselves but through this Tribunal. Sir, I support this Bill and I hope my friend Mr. Biswanath Das will withdraw his objections

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I find an innovation in this Bill and that is perhaps the reason why it has not been very clear to many of us. In all other Acts we find that the definitions come first but here they come last. So that after you have finished reading the Bill you have to read it again in order to understand it. I do not know what is the advantage of this innovation except that the Honourable Minister wants us to read the Bill fully.

Mr. Deputy Speaker: It is so in the Government of India Act.

Mr. Nasiruddin Ahmad: (West Bengal: Muslim): It is done in all English Acts.

Srijut Rohini Kumar Chaudhuri: In other Indian Acts it is otherwise. Anyway, the complaint today is not so much about the rates as the proper adjudication of rates. The complaint throughout the country today is that you are taking high sums as railway fares; in the last two years the fares have twice been increased. And what have you given in return except a kind of invitation to see the new compartments and bogies and occasionally some tea to some fortunate members? You have not given better facilities for railway travel. Now that we cannot go against our own Ministers we should have

[Srijut Rohini Kumar Chaudhuri]

expected that matter to be put under adjudication by some Tribunal independent of this Government. But what do we find? Under the proposed section 42 certain matters cannot be gone into by the Tribunal and the Central Government alone remains responsible for the inconvenience of high rates that passengers have to pay. Then what remains to be done by this Tribunal is to fix the rates or classifications of commodities. Is that the complaint now? The complaint now is that we do not get wagons to carry even the Government sponsored goods, not to speak of goods which the traders or private parties want to send. We do not quarrel about the rates now but we want more wagons for transport of goods; and that we are not getting. This is another instance of Government trying to lull us into the false belief that they are doing all that is possible by bringing in a piece of legislation which will perhaps remain a dead letter. How often will this Tribunal sit? How will you find the material to give this Tribunal to sit and consider? Are you going to change the rates and classifications every three months or two months or every day? They will have to sit very rarely and still you are appointing this Tribunal. What is the idea of giving the entire responsibility to them? The decision of the Tribunal is final and Government have no hand in it; even this House will perhaps not be competent to discuss it. When the rates are being considered by the Tribunal the matter will be *sub-judice* and the House, if it sits at that time, will not be allowed to make any comment on the rates that exist at that time or the rates which are being considered on the ground that they are *sub-judice*. And when the rates are finally determined by the Tribunal what will be the remedy left to this House and what will be the remedy of the public? None; they will have to abide by the decision of the Tribunal. I want the Honourable Minister to state this in his reply; in case the decision of the Tribunal is unsatisfactory, would it be competent on the part of this House to go into those rates and criticise them adversely and disapprove of them? Even if the House expresses that view it will be out of place because the Tribunal's decision will be final. What other course is left? The only thing that Government can do is to close this Tribunal and have another one. But even for that I think there is no provision. The Tribunal will sit for some years and before that period expires it cannot be replaced whatever may be the extent of injustice that the Tribunal may inflict.

Then I do not understand the logic of this position. I fully support the views of my esteemed friend Shri Biswanath Das. All the railway systems are under the charge of Government who are responsible for them. Why are they giving over this power to fix passenger and luggage rates to a Tribunal which will be appointed by them? The whole selection is left to the Central Government. They are the creatures of Government, and even then power is given to them. They may fix any rate they like. The opinion of this House may be different but they cannot say anything or criticise the rates fixed. I submit that this is not a satisfactory state of things and I ask the House to consider carefully the views which have been expressed by Shri Biswanath Das in his note of dissent.

The Honourable Dr. John Matthai: I have not much to say in reply to the criticisms which have been made by my honourable friends Mr. Biswanath Das and Mr. Rohini Kumar Choudhuri. The setting up of the rates tribunal is a measure which Government is taking in response to a demand which has been continuously made over a period of years by public opinion in the country. I am also convinced from such experience as I have had in the

Ministry of Railways, that there is a strong case for appointing an independent judicial body to investigate questions of rates affecting one group of interests as against another group of interests.

I think my friend, Mr. Biswanath Das rather misunderstood the implications of standardization of rates. However much you may standardise rates, you will not get rid of the possibility of serious conflicts arising as between different interests. It might be foreign interests against Indian interests. It might be one Indian interest against another Indian interest. Therefore, I do not think it is right that the Executive, however responsible to the Legislature, should retain in its hands the final decision on these matters which are essentially of a judicial character. I am quite willing to exercise all the authority that the House is prepared to vest in me, but I must say that the extent of the authority that Mr. Biswanath Das wants to give me is a little more than I can cope with. I feel that a judicial Tribunal for determining the fairness and reasonableness of the rates applicable to individual commodities is amply justified.

All the points Mr. Biswanath Das raised were effectively met by my honourable friend, Prof. Shibban Lal Saksena.

Mr. Deputy Speaker: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, (Second Amendment), as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Nasiruddin Ahmad: I have an amendment to move.

Mr. Deputy Speaker: Amendments 2 and 3 are only matters of arrangement. Amendment 2 which the honourable member wishes to move first is not one of substance. But let us first know the attitude of the Honourable the Minister. In clause 2 it suggested that section 46 shall be omitted and sections 41, 42, 42-A, 42-B, 43, 44, 45 and 46A shall be renumbered .....The Honourable Minister will also see that the honourable member wants to transpose them to a later clause.

Mr. Nasiruddin Ahmad: I want to restore the old position.

The Honourable Dr. John Matthai: What my honourable friend wants to do is to retain the existing set up and not to have any renumbering of the section. That is really what he is aiming at. I am sorry I must oppose it. I have consulted the law advisers of Government and they think it would be more convenient for purposes of reference if it is renumbered.

Mr. Nasiruddin Ahmad: The difficulty is that I have not yet given the reasons on which my amendment is based. I shall shortly state the reasons which are behind this amendment. Let me first move the amendment. Sir, I move:

"That sub-clause (1) of clause 2 of the Bill be omitted."

Mr. Deputy Speaker: Amendment moved:

"That sub-clause (1) of clause 2 of the Bill be omitted."

Mr. Nasiruddin Ahmad: Sub-clause (1) attempts a renumbering of certain existing sections, namely that 41 to 46A shall be renumbered as sections 26 to 33. I submit that it is never the practice to renumber the existing sections and give them other numbers. It is never done. The inconvenience of such a course is this. If a section is repealed and if the next following section is renumbered to bear the number of the repealed section, it leads to a considerable amount of inconvenience and confusion. I shall show that it is not done.

[Mr. Naziruddin Ahmad]

If a Bill enacts a new law and if in the House some sub-clauses are taken away it is a practice to renumber them. But in amending an existing Act, it is never the practice to renumber the existing sections because that would dislocate the arrangement.

The inconvenience is this. Courts, Tribunals, parties and members of Government and of the public are accustomed to associate a particular section or idea to a particular section-number, and if these are renumbered it will lead to a considerable amount of confusion. In fact when a section is to be interpreted by a Court of law, then its renumbering would lead to trouble and would require a research student to find out the number which number the renumber section bore. If there are rulings of a High Court on a section and if the old section number is changed, it would be difficult to follow the ruling and find out the new number; and if there is a ruling on a repealed section and another section is brought to bear that number it might be thought that the ruling relates to the other section which bears the new number.

Mr. Deputy Speaker: Is it not a fact that the honourable member is aware that in the new Criminal Procedure Code there are sections that correspond to the old Code and whose numbers are noted by way of reference in the new Code. I would request the honourable member that we are pressed for time. Unless he feels that there is some inconsistency or absolute inconvenience, such an amendment need not be pursued.

Mr. Naziruddin Ahmad: I feel that it would lead to inconvenience and I assure you that it is with a desire to remove that difficulty that I am moving it. You will be pleased to consider the Government of India Act as it is adapted. Sub-section 2 of section 46 has been omitted. There is sub-section 3 which has not been renumbered as sub-section (2). Then we come to another part. Sub-section (2) of section 68 has been omitted. Sub-sections (3) and (4) have not been renumbered as a result. Then we come to section 94. Sub-section (2) is omitted but sub-section (3) has not been renumbered. Then there are a number of other sections of the Government of India Act which have been omitted but the succeeding sections have not been renumbered.

Then coming to section 123. Sub-section (4) has been omitted but the other sub-sections have not been renumbered. There are a number of other things. I do not wish to take the time of the House with citing examples.

We now come to the Transfer of Property Act. You will be pleased to remember, Sir, that in 1929.....

Mr. Deputy Speaker: I agree. I believe the House knows that that procedure has been adopted. This procedure is also adopted. If the honourable member wishes I shall put his amendment to the House. I do not think any other member is willing to speak on it. I also believe that the Honourable Minister agrees that there is a case for both sides.

The Honourable Dr. John Matthai: It is entirely a point of legal technique. When I received notice of the honourable member's amendment, I naturally consulted the Ministry of Law and their opinion is that it is an advantage to renumber the sections. In this case the public will read a copy of the Act with all these amendments and it will be irritating to the layman if gaps are left. It is for these reasons that the draftsman has renumbered the sections.

Mr. Naziruddin Ahmad: I have not yet put the reasons of the authorities and the difficulties. I respectfully submit that the Honourable Minister is not a lawyer himself and is handicapped by the note of the Law Department So he is at a disadvantage.

The Honourable Dr. John Matthai: I am a lawyer myself.

Mr. Nazirudddin Ahmad: Then I think it is easier for him to follow.

Mr. Deputy Speaker: I will not say that the Honourable Minister has not followed, but he decidedly does not agree.

Mr. Nazirudddin Ahmad: It does not matter. I have not yet spoken on this Bill. I find it is a difficult thing for me to rise and give some technical reasons which are distasteful to the House. It is equally distasteful to me so to speak but the course indicated is contrary to the established practice.

Take the Transfer of Property Act. Clause (a) of Section 22 was omitted in 1929 but (b) (c) (d) and other clauses were not renumbered.

Take the Criminal Procedure Code. There are a number of sections which were amended in 1923. There is section 4, sub-section (1) Clause (d) was omitted. Yet the later clauses were not renumbered. Section 117, sub-section (4) was omitted, yet sub-sections (5) and (6) were not renumbered. Part (a) proviso 5 to Section 408 was omitted, but part (b) and (c) were not renumbered.

This position is in conformity with well known and well established practice. If you dislocate the numbers it will lead to confusion and those who have to interpret them will be put to difficulties. There is no advantage gained by renumbering sections. We are going to transpose a number of sections to fill up vacancies which were created by the omission of other sections and we put in new sections in place of vacancies created. This would cause dislocation and on account of the inconvenience likely to be caused this well established practice has been continuing for a long time. This practice is always one sided. Is there any reason why we should disturb this uniform practice? Are we to establish new precedents to cause confusion and difficulty to those who are concerned? The Honourable Minister has already given his verdict and has found me guilty before he has heard my arguments. After all I have a duty to perform, *viz.*, to point out the inconvenience caused. This well established practice is universally prevailing all over India and other countries. When you take away a section you do not renumber the others. Sir, you will consider the inconvenience caused or the illogicality of the position taken by the Honourable Minister. In fact he has put in a large number of sections and to be logical may I ask him to renumber them? If to be logical is a virtue he should renumber all the sections? I do not see why the opinion of draftsmen who, it has been seen are not experts nowadays in law and drafting, should be followed by him. It is not on my authority that I ask him to accept my suggestion but on the authority of well established practice. This raises an important technical question. You are unsettling a settled practice. I hope the Honourable Minister will yet find his way to accept the authority of a large number of ministers and members in that position here, his illustrious predecessors, Law Members and illustrious draftsmen of this country as well as others and to stick to the old practice and thus prevent confusion.

Mr. Deputy Speaker: The question is:

"That sub-clause (1) of clause 2 of the Bill be omitted."

The motion was negatived.

Mr. Deputy Speaker: The other amendments are consequential and do not arise.

The question is:

"That clause 2, stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri T. T. Krishnamachari (Madras: General): Sir, I move:

"That in clause 3 of the Bill, in sub-section (1) of the proposed section 41 of the Indian Railways Act, 1890,—

(i) the words 'is or are' be omitted;
(ii) in part (a) before the word 'contravening', the words 'is or are' be inserted;
(iii) in part (b) before the word 'charging', the words 'is or are' be inserted;
(iv) in part (c) before the word 'levying', the words 'is or are' be inserted; and
(v) in part (d) before the word 'unreasonably', the words 'is or are' be inserted."

Sir, this is merely a drafting amendment and I hope the House will accept it.

The Honourable Dr. John Matthai: Sir, I accept it.

Mr. Deputy Speaker: The question is:

"That in clause 3 of the Bill, in sub-section (1) of the proposed section 41 of the Indian Railways Act, 1890,—

(i) the words 'is or are' be omitted;
(ii) in part (a) before the word 'contravening', the words 'is or are' be inserted;
(iii) in part (b) before the word 'charging', the words 'is or are' be inserted;
(iv) in part (c) before the word 'levying', the words 'is or are' be inserted; and
(v) in part (d) before the word 'unreasonably', the words 'is or are' be inserted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in clause 3 of the Bill, in sub-section (1) of the proposed section 41 of the Indian Railways Act, 1890—

(i) part (d) (ii) be omitted; and
(ii) in part (d) (i) the brackets and figure '(i)' be omitted."

Actually the position seems to be that any consignor is entitled to ask for his goods to be booked at owner's risk unless he chooses the goods to be booked at railway risk. It provides an alternative which already exists. The other part is a consequential amendment.

Mr. Deputy Speaker: The question is:

"That in clause 3 of the Bill, in sub-section (1) of the proposed section 41 of the Indian Railways Act, 1890—

(i) part (d) (ii) be omitted; and
(ii) in part (d) (i) the brackets and figure '(i)' be omitted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in clause 3 of the Bill, in part (e) of sub-section (1) of the proposed section 41 of the Indian Railways Act, 1890, before the word 'unreasonably', the word 'has or have' be inserted."

It is a drafting amendment.

The Honourable Dr. John Matthai: Sir, I accept it.

Mr. Deputy Speaker: The question is:

"That in clause 3 of the Bill, in part (e) of sub-section (1) of the proposed section 41 of the Indian Railways Act, 1890, before the word 'unreasonably', the word 'has or have' be inserted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in clause 3 of the Bill, in sub-section (2) of the proposed section 41 of the Indian Railways Act, 1890, the words, brackets and figure 'sub-clause (i) of' be omitted."

This is also a consequential amendment to this particular sub-clause.

Mr. Deputy Speaker: The question is:

"That in clause 3 of the Bill, in sub-section (2) of the proposed section 41 of the Indian Railways Act, 1890, the words, brackets and figure 'sub-clause (i) of' be omitted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in clause 3 of the Bill, in sub-section (1) of the proposed section 44 of the Indian Railways Act, 1890, for the words 'carrying into effect its duties and powers', the words 'the effective discharge of its functions' be substituted."

This is also a drafting amendment.

Mr. Deputy Speaker: The question is:

"That in clause 3 of the Bill, in sub-section (1) of the proposed section 44 of the Indian Railways Act, 1890, for the words 'carrying into effect its duties and powers', the words 'the effective discharge of its functions' be substituted"

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in clause 3 of the Bill, in the proposed section 45 of the Indian Railways Act, 1890, the words 'under the authority of the Central Government' be omitted."

This is the position which remains whether we put it there or not. It is always so. These words are therefore unnecessary. That is why I have moved this amendment.

Mr. Deputy Speaker: The question is:

"That in clause 3 of the Bill, in the proposed section 45 of the Indian Railways Act, 1890, the words 'under the authority of the Central Government' be omitted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in clause 3 of the Bill, in part (a) of the proposed section 46C of the Indian Railways Act, 1890, before the word 'grouping', occurring in line one, the word 'the' be inserted."

Mr. Deputy Speaker: The question is:

"That in clause 3 of the Bill, in part (a) of the proposed section 46C of the Indian Railways Act, 1890, before the word 'grouping', occurring in line one, the word 'the' be inserted."

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That in clause 3 of the Bill, in part (a) of the proposed section 46C of the Indian Railways Act, 1890, the words 'with the approval of the Railway Board' be omitted."

Actually this refers to the Indian Railway Conference Association. The whole body is working under the Railway Board. So the question of approval of the Railway Board does not arise and the words are unnecessary.

Mr. Deputy Speaker: The question is:

"That in clause 3 of the Bill, in part (a) of the proposed section 46C of the Indian Railways Act, 1890, the words 'with the approval of the Railway Board' be omitted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. John Matthai: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Deputy Speaker: Motion moved.

"That the Bill, as amended, be passed."

Prof. Shibban Lal Saksena: Sir, I have great pleasure in congratulating the Honourable Minister for having placed this important measure on the statute book. I only want to draw his attention to one or two important facts. My honourable friend Mr. Rohini Kumar Chaudhuri said that the people are not

[Prof. Shibban Lal Saksena]
interested in the rates but they are interested in the wagon allotment. I do not agree with him there: they are interested in the rates also. But he was right in saying that they are much more interested in the wagon allotment. As has been pointed out on the floor of this House, the scandal about wagon allotment is so great and the question of wagon bottleneck is of such an importance to the country that I would wish that the Government—the Railway Board—appointed a similar Tribunal for hearing complaints against the allotment of wagons also. This Tribunal will of course hear complaints against railway rates, about goods which are sent in transit. But it is very well known that, much more than the amount of freight has to be paid for getting wagons. As pointed out the other day, Rs. 2,000 is the open quotation in Bombay to get a wagon. Similarly I know that in the O.T. Railway Rs. 1,000 is the ordinary quotation for getting a wagon. You cannot get it, but anybody who pays it can get the wagon. (*An Honourable Member*: 'In U.P. it is Rs. 500'). Thank you. So while the Honourable Minister has done one great thing to the country by appointing this Tribunal I want that he should think of appointing another Tribunal almost immediately, which should be entrusted with the duty of hearing complaints againts allotment of wagons. If that is done, this great slur on the Government will be removed. It is eating into the vitals of the nation. Black-marketing goes on like anything. I was told that one of the causes for the cloth black-marketing during the last four months was the wagon allotment. Even though cloth was released, the wagons were not allotted. That was one of the reasons why cloth went so dear.

This Tribunal is to hear complaints against rates. I hope he would very soon give us a Tribunal which will look into complaints about allotment of wagons and see that those responsible for this corruption in the Department about allotment of wagons are properly punished. The question of wagons is so important that I would request him to appoint a Committee of this House to go round the whole country to see how many wagons are there lying in the country which can be made serviceable. I have myself seen in the Sealdah yard three hundred wagons are lying which can be used and made serviceable for the use of traffic. I am told that 5,000 wagons are lying in various yards which can be so used. I have been told by people, by train examiners—I am President of the All-India Railway Train Examiner's Committee—and by people in the railway workshops that if an enquiry is made we shall be able to get 5,000 wagons which are serviceable and which can be made use of. Because my honourable friend is in urgent need of wagons and wants to break the bottleneck, I would request him to appoint a Committee of this House to investigate whether all the wagons which are lying as scrap are really scrap or they can be used for traffic.

Secondly I request that he may appoint a Tribunal to look into the complaints of the public about allotment of wagons and see that even if the highest placed officials are involved they are punished. This is responsible for the black-marketing. If they are responsible they must be brought to book.

I congratulate the Honourable Minister for having brought this measure which I wholeheartedly support.

The Honourable Dr. John Matthai: Sir, I am grateful to my honourable friend Professor Saksena for drawing pointed attention to what I myself feel is becoming a grave problem on the railways. The question of corruption on the railways has been brought home to me in a number of ways recently, and I am at present seriously considering whether it has not become necessary to adopt a procedure with regard to it different from the procedure that we have been

following hitherto. As I explained in answer to a question which was addressed to me the other day, what we have been doing so far has been to depend on the special police establishment which has been set up specifically for the purpose of enquiring in the case of corruption on the railways. And, as I told the House the other day the number of convictions that we have been able to obtain has been very small in proportion to the number of cases that we send up to court. The difficulty has been, all along, to secure evidence on which a legal conviction could be established. The real trouble that we are up against is that employees of our Railways—the Railways being State Railways—are subject to the same rules of discipline as other servants of Government. And the rules of discipline imply that there is a fairly elaborate formality to be gone through before the fact of corruption or misbehaviour could be brought home to an employee. What I am considering at present is whether the time has not come for Railways to be put on a different footing from other Departments. That is to say, if I as Minister of Railways am reasonably satisfied that a particular officer or employee on the Railways is involved in this business of corruption, I must have the authority to sack him. (Hear, hear). I am considering drawing up a procedure on these lines and I hope, if I do so and begin to act upon it, that honourable members will not.....

Shri H. V. Kamath: Take all the power.

The Honourable Dr. John Matthai: .....I hope honourable members will not take me to task in respect of individual cases.

Mr. Nazimuddin Ahmad: Not for sacking bad characters.

Mr. Deputy Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

RESETTLEMENT OF DISPLACED PERSONS (LAND ACQUISITION) BILL.

The Honourable Shri Mohan Lal Saksena (Minister of State for Relief and Rehabilitation): Mr. Deputy Speaker, Sir, I move:

"That the Bill to provide for the speedy acquisition of land for the resettlement of displaced persons, be taken into consideration."

Sir, in making this motion, at the outset I would like to apologise to the House for having introduced this Bill at the fag end of the Session. The reason is that as honourable members are aware, there is already an Ordinance promulgated which is likely to last till the end of January, 1949, and we were hoping that the Assembly might meet about the 20th of January when we will be able to introduce this legislation and get it through. But now it was brought to my notice that it is likely that the Assembly may not meet in January and we may not be able to pass the Bill through the House by the end of January. Therefore, to be on the safe side, I introduced it now in the hope that as it is a non-controversial measure it will be passed in no time.

Sir, the very fact that no amendments have been moved shows that this measure is welcome to all the sections of the House. I know that every section of this House is concerned with the resettlement of those countrymen and women of ours who have come from Pakistan. The sympathy of every one of us goes to them and they have suffered so much for no fault of theirs. It is indeed regretable that they had not been settled so far, but if we take into consideration the circumstances which have prevented their rehabilitation, I think however much we may regret it, it will be understandable why they could not

[Shri Mohan Lal Saksena]

be rehabilitated so far. You know, Sir, it was indeed gigantic task which had to be undertaken for evacuating such a large number of men and women. It has been indeed unprecedented in history that evacuation has taken place on such a large scale. In September or sometime in August, 1947, it was decided that there will be exchange of population between East and West Punjab, but before the work of evacuation from West Punjab had finished evacuation from N.W.F.P. had to be taken up. Before that task could be finished we had to take up the evacuation of refugees from Kashmir and before that could be finished we had to undertake the task and responsibility of evacuating the refugees from Sind. Hardly before that had been finished there has been a large influx of refugees from East Bengal and from Hyderabad. So, that in itself was a great task which required considerable effort, and all the time and energy of Government had to be given to this great task.

After that came the work of relief. The very fact that today in our camps there are no less than eight lakhs of refugees shows what a tremendous task it is to provide relief to these persons.

Then comes the work of rehabilitation; it is, indeed by its nature a slow process. Not that many of them have not been rehabilitated—a large number of them have been rehabilitated—but the task of rehabilitation becomes very difficult for two or three reasons. Firstly, those who have come here belong mostly to the trading community, they are mostly petty shopkeepers and are urban people. Those who have left for Pakistan were mostly artisans and persons who used to work with their hands. That is the one great difficulty. The other difficulty is this. Those people who have come to India refuse to be dispersed all over the country; this is especially so in the case of urban people. I know the number of urban people who have come is not more than 20 or 25 lakhs, but still if they could be dispersed all over the country the task will not be so difficult. But when they want to be resettled in one district or in one town or even refuse to go to the villages or other smaller towns, the task of rehabilitation becomes still more difficult. But, Sir, whatever can be done is being done. I can assure this House that this measure is only to replace the Ordinance which has been enacted for the speedy acquisition of land, which you know is a great factor in the rehabilitation and resettlement of the refugees. I hope this House will take this Bill into consideration and pass it without much controversy. Sir, I move.

Mr. Deputy Speaker: Motion moved:

"That the Bill to provide for the speedy acquisition of land for the resettlement of displaced persons, be taken into consideration."

Shri Ajit Prasad Jain (U.P.: General): Sir, I am one with the Honourable Minister in the object of his Bill. The problem of refugees is one of the most important problems before us. It is equally acute. After making arrangements for feeding them, the next great necessity is to provide them with housing. About 40 to 50 lakhs of people have migrated from Pakistan into India and quite a number of them have come to the Provinces of Delhi and Ajmer-Merwara. Therefore, the Honourable Minister did well in bringing out an Ordinance to provide them with means for building houses. If I rise to criticise a few provisions of this Bill, it is not because I want that rehabilitation of refugees should be postponed; in fact there is already an Ordinance under which Government have got the power to acquire lands for rehabilitating refugees. In this Bill I find that some very important things have been omitted. I would draw the attention of the House to the definition of the word "land" which is as follows:

"'land' includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth."

From a later portion of the Bill it appears that Government also intend to requisition buildings and dwelling houses built on land. I wish that the defintion of land were more clear and it were laid down that it includes buildings. I quite agree that by implication it means that buildings would go with land, because after all a building is a thing permanently attached to the earth, but I wish that the definition were made more clear.

Again, Sir, Section 5 deals with the vesting of land in the Government. Immediately after the publication of a notice the land shall absolutely vest in the Provincial Government, free from all encumberances on the date of the notice. It is but proper that provision should have been made for the extinguishment of encumberances, because it would create difficulties if the land were acquired subject to any of the encumberances. Sub-clause (2) of clause 6 which deals with the release of land in case an objection is raised says: "If any land is released from acquisition under sub-section (1), it shall be deemed to revest in the person originally entitled thereto." Now the position is this, that once the land vests in the Government any encumberance vesting on that land will be extinguished, but there is no provision for the revival of that encumberance in case the owner of the land raises an objection and his land is released from acquisition. I think a provision of that kind is absolutely necessary. Otherwise, it will mean that an encumberance holder would lose his right over the land. The owner of the land will get back the land but the poor encumberance holder will not get the advantage of the release of land. He will lose the rights which he possessed as an encumberance holder.

Further, Section 7 deals with the method of determining compensation. Sub-clause (2) of this Section lays down that in awarding any compensation "the arbitrator shall apportion the amount thereof between such persons, if any, as may appear to him to be entitled thereto." It is not clear whether a person who held an encumberance but whose encumberance has been extinguished under clause 5 will be entitled to a part of the compensation. His rights have been extinguished under clause 5 and he has no more right over the land which he possessed before acquistion. Therefore, I think some sort of an explanation should be added to the sub-clause to the effect that,—

"Notwithstanding the extinction of any encumberance under section 5, the person who held such encumberance shall be deemed to be a person entitled to compensation."

I might in this connection also invite the attention of the House to a similar measure passed by the U.P. Government. There they have provided that in calculating compensation, the prevailing rate of prices of lands shall not be taken into account but land shall be acquired on the basis of prices prevailing immediately preceding the war, that is, in 1939. It is a well known fact that the prices of land have gone very high during the war time, several times of what they were in 1939. It is also a well known fact that the owners of land have done nothing to develop or to improve those lands and whatever increase has taken place has been due to social causes. This Bill provides for the relief of persons who have suffered and suffered not on account of their own doing but because of the partition of the motherland into India and Pakistan. They are deserving of all sympathy and of all consideration. After all, when these lands are resettled with the refugees, they will have to pay price for those lands. The price may be paid immediately or may be paid by instalments or at a future date. They have lost all that they possessed and I think it is proper that in the conditions now prevailing in the country they should be given lands at as cheap a rate as possible. I suggest that the Honourable Minister should base the compensation not on the prices prevailing today but on what they were in 1939 as has been done in U.P.

[Shri Ajit Prasad Jain]

For the reasons that I have stated, I suggest that the Honourable Minister should not proceed with the present Bill. He has already stated that an Ordinance has already been passed which came into force on 2nd August and will continue in force up to 2nd of February and he can exercise the powers of acquisition for the time being under that Ordinance. It would be easier for him to amend the Ordinance. Morever, it would not be proper for us to put our legislative seal upon this measure as more than one thing has been left out and more particularly because the basis of compensation laid down in this Bill is a rather anti-social measure considering the class of persons who are going to be affected by it. Let the Honourable Minister come out with a well thought-out measure at the Budget Session. Meanwhile he will learn much by experience.

These are the few observations that I wanted to make in connection with this Bill and I do hope that the Honourable Minister will give his serious thought to them.

Mr. R. K. Sidhva (C.P. and Berar: General): Sir, the condition of the displaced persons who have come from Pakistan is undoubtedly pitiable. Nobody questions it. Nobody disputes it. The Honourable Minister also stated unequivocally that they have been uprooted from their homes and it is the duty of the State to see that they are rehabilitated. It is now over a year since they have been wandering from one place to another for no fault of theirs. I do admit that, while there are many hardships and privations and difficulties which these pitiable persons are undergoing, they have borne all this with patience and tolerance. I certainly admit that both the Central Government and some of the Provincial Governments are doing their best to accommodate these displaced persons. From the little I know of these displaced persons I can say that the Government have been doing all they could possibly do for relieving them of their enormous difficulties and still it is unfortunate that trouble is being created by some persons. I can tell you, Sir, from my experience, not in Delhi only but in some Provinces also like Bombay, these troubles are being created by interested persons for their personal and political interests.

Mr. Deputy Speaker: I am sure the honourable member would like to continue.

Mr. R. K. Sidhva: Yes, Sir.

Mr. Deputy Speaker: In that case, he may resume on Monday and we may now adjourn.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday the 6th September 1948.